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Committee on the Rights of the Child

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Contents

		Page
	Introduction	3
1.	General measures of implementation (See COs, §81)	3
2.	Definition of the child	9
3.	General principles	10
4.	Civil rights and freedom	14
5.	Violence against children	15
6.	Family environment and alternative care	18
7.	Disability, basic health and welfare	22
8.	Education, culture and leisure	26
9.	Special protection measures	29
10.	Follow-up of the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography (See COs, §§73–75)	34
11.	Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (See COs, §§70–72)	37

Annexes

Statistical annex

Opinion of the National Authority for Childhood and Adolescence (Italian)

Introduction

1. The present National Report has been compiled by referring to several UN documents (i.e. CRC/C/ITA/Q/ITA/Q/3-4 and HRI/CORE/ITA/2016), and is completed by two Annexes to detail some information contained therein and give comprehensive and updated statistical data. The collection of data and information has been carried out by the National Centre of Documentation and Analysis for childhood and adolescence and by the work within the National Observatory for Childhood and Adolescence (herein after NOCA); for some sections also regional ombudsman, civil society and professional associations were involved (see Clusters 1 and 9 and Annex concerning the Third OP). The present Report has been shared with the NOCA (see Decree of 24 March 2017 by the Ministry of Regional Affairs and the Ministry of Labour and Social Policies), in its first meeting of 28 March 2017.

1. General measures of implementation (See COs, §81)

Ratification of international human rights instruments

2. Further to information contained in CRC/C/ITA/Q/3-4, §1 and HRI/CORE/ITA/2016 pp. 25–27, the following legislation has been adopted in the period under reference1:

Reservation and declaration to Optional Protocols

3. Italy has adopted a Declaration concerning the OP CRC CAC in relation to compulsory or voluntary military recruitment (See Cluster 11c).

(a) Implementation of the CRC and Optional Protocols into Italian law

4. Legislation referring to UN CRC and related Optional Protocols, further to information included in CRC/C/ITA/Q/3-4, §1:

- Act No. 219/2012;
- Presidential Decree 4 October 2013;
- Act No. 119/2013;
- Legislative Decree No. 154/2013;
- Act No. 117/2014;
- Act No. 10/2014;
- Act No. 183/ 2014;
- Presidential Decree No. 26/2015;
- Act No. 107/2015;
- Act No. 134/2015;
- Act No. 173/2015;
- Act No. 12/2016;
- Act No. 76/2016;
- Presidential Decree 31 August 2016.

Legislation adopted in compliance with UN CRC Optional Protocols (See Clusters 10 b)–11 a).

(b) National strategy

5. The National Plan of actions and interventions for the protection of the rights and the development of children and adolescents (herein after PAI) could be considered the primary national strategy for childhood and adolescence in compliance with and implementing the UN CRC and its Optional Protocols. The 3rd (adopted by Presidential Decree of 21 January 2011 for 2010–2011 — please refer to CRC/C/ITA/Q/3-4/Add.1) and 4th PAIs concern the period from 2008 to 2016.

4th PAI (see COs, §9a)

6. It was approved by Presidential Decree of August 31st 2016, taking into consideration UN CRC Committee Concluding Observations, monitoring over the former PAI, key-priorities formulated on the occasion of the 4th National Conference on Childhood and Adolescence. It was elaborated through a comprehensive consultation among institutions (central administrations, regions, local authorities) and civil society, within the framework of 4 thematic working groups composed of members of the NOCA. Then it was adopted unanimously by NOCA as well as by the Unified Conference, facilitating its implementation both at national and local levels. The aforementioned key-priorities are the following ones: fight against poverty of children and their families in absolute and relative terms; promotion of social and educational services for early childhood and quality of the school system; educational and social integration; parental care, development and requalification of the integrated system of services, residential accommodation and foster care (see Annex). The 4th PAI has adopted two tools in order to allow children's participation: a consultation held in 60 schools on the national territory, and the publication of the 4th PAI in an ETR (Easy To Read) version. The PAI explicitly reminds or includes priorities of other national plans that have an impact on childhood and adolescence (i.e. the National Plan for disability) and is part of the National Plan for prevent and contrast child abuse and sexual exploitation 2015–2017 (see Cluster 10). At present monitoring activities are in place to define the institutional interventions and to evaluate the results of the implementation of the actions provided for in the 4th PAI.

7. In this context there is also worth of mentioning the National Plan for Family Policies, approved by the competent Observatory on 7 June 2012, containing common guidelines on the matter as determined through a consultation with all concerned stakeholders. Further plans, projects and funds have been established to counter child poverty, also in relation to education, to prevent and promote healthcare and educational measures, to counter bullying and cyber-bullying (see Annex).

National and regional governance of the Plans of Actions (See COs, §9a)

8. The multilevel (central, regional and local) coordination and the regional performance of childhood policies is under the competence of the State-Regions Conference and the Unified Conference (please refer to CRC/C/ITA/Q/3-4, §9, and HRI/CORE/ITA/2016; §§121–141). The Regions, the Municipalities and also the Provinces are members of the national Observatories so far negotiating on the priorities and granting policies' coherence.

9. An ad hoc working table has been established in each Region to ensure coherently the implementation of the 4th PAI. The same approach has been adopted for the National Plan for prevent and contrast child abuse and sexual exploitation 2015–2017.

10. Ad hoc national and regional coordination actions have concerned the reception policies by the establishment of the above mentioned national body (*Tavolo di coordinamento nazionale*) at the Ministry of the Interior according to Legislative Decree No. 251 of 19 November 2007, art. 29§3. It identifies the main guidelines, adopts an annual national plan and monitors the interventions for reception, including regional quotas of the reception systems in collaboration with the Unified Conference (Legislative Decree No.

281 of 28 August 1997, art. 8) and the operational activities of the regional coordination bodies at the *Prefectures*.

Budget allocation for National Plans of Action (See COs, §§10–11)

11. Ordinary financial resources are allocated for the implementation of the 4th PAI. The NOCA has further identified primary goals and actions to be properly financed (i.e. by the Fund to counter child educational poverty, the project addressed to include and integrate Roma, Sinti and Caminanti children, the Fund for school meals, the budget of the P.I.P.P.I. Programme).

Monitoring and Evaluation of National Plans of Action (See COs, §§10–11)

12. The 3rd PAI was monitored by the NOCA through working groups and the results were contained in a final report. The 4th PAI provides for a monitoring mechanism which sees the involvement of the NOCA. The first monitoring phase, currently in place, has been provided for in order to scrutinize multi-level actions under several institutional competences (central Administrations, Regions, Autonomous Provinces, 15 Metropolitan Areas) and to prove the degree of participation of voluntary associations, third sector and civil society. During the second monitoring phase, with the support of members of the NOCA, hearings with representatives of the civil society and children will be held upon request of the NOCA.

13. Monitoring activities are provided for the National Plan for prevent and contrast child abuse and sexual exploitation 2015–2017 by the Department for Equal Opportunities at the Prime Ministers' Office, with the support of the Observatory to counter child paedophilia and pornography.

The essential levels of social assistance (LIVEAS) (See COs, §§9b; CRC/C/ITA/Q/3-4; §§15–25)

14. In order to adopt coordinated and homogenous LIVEAS at national and regional levels, the following measures are in place:

- 4th PAI refers explicitly to LIVEAS as cross-cutting goal to be defined and accomplished on the national territory by the Government, Regions, Autonomous Provinces and local authorities;
- Act No. 107/2015 calls for the definition of LIVEAS for nursery schools and related services (see Cluster 8);
- Signing of an agreement by the Conference State-Regions on 7 July 2016 on new LIVEAS2;
- Signing of several agreements in different areas (i.e. healthcare services) for better multi-level coordination;
- Soft law definition of LIVEAS.

Coordination working table with Metropolitan Areas according to Act No. 285/1997

15. This body could be considered an experimental framework to encourage the dialogue and the coordination among the concerned Municipalities being in charge for the periodic monitoring of the childhood policies in the 15 Metropolitan Areas according to Act No. 285/1997.

(c) Overall authority

National Observatory for Childhood and Adolescence (NOCA)

16. The Ministry of Labour and Social Policies (herein after MLSP) and the Department for Family Policies (herein after DFP) are in charge for coordinating the NOCA. The Observatory defines the primary guidelines and programmes as far as the national policy for childhood and promotes exchange of views and positions of all concerned public and private stakeholders and of professionals engaged in this field. It is composed of

approximately 50 members, in representation of the competent central Administrations, Regions and local autonomies, the National Institute of Statistics (ISTAT), social actors, relevant institutions and bodies. 8 associations and 8 experts appointed by its Presidents (see Cluster 1b).

Department for Equal Opportunities

17. The Department for Equal Opportunities at the Prime Ministers' Office is in charge for the definition of strategic measures relating to child abuse and exploitation, in particular with the support of the Observatory to counter child pedophilia and pornography (see CRC/C/ITA/Q/3-4, §§164–169).

National Ombudsman/Authority for Childhood and Adolescence (See CRC/C/ITA/Q/3-4, §§62–69; Cluster 1f)

18. The Authority has an important role of moral suasion in respect of institutions for the promotion and the protection of the rights and the interests of children. To strengthen the coordination with other bodies, the Authority is part of the NOCA, of the National Observatory on Family and of the Observatory to counter child pedophilia and pornography.

Commission for International Adoptions

19. The Commission for International Adoptions is the central body in charge for the Convention of the Hague of 29 May 1993 (see CRC/C/ITA/Q/3-4, §§113–114), ensuring the compliance of adoptions procedures with the Convention provisions.

National Authority for the rights of detainees and persons deprived of personal liberty (See Cluster 1f)

National Observatory on Family

20. The National Observatory on Family at the DFP/Prime Ministers' Office has been established in 2007 to give its technical contribution in the elaboration of concerned national policies by carrying out studies and researches, documentation collection, promotion and advisory input. It has also the mandate for drafting the National Plan for Family Policies. It is composed of representatives from central and regional Administration as well as from civil society, so far promoting a proper and integrated coordination activity.

21. Among the institutional bodies it is also worth of mentioning the Ministry of Foreign Affairs and International Cooperation/Inter-ministerial Committee for Human Rights (CIDU) in charge for the systemic dialogue with IOs as far as the promotion and protection of human rights, and the National Office Against Racial Discrimination (UNAR) (see HRI/CORE/ITA/2016, §§207, 209, 211, 213, 214, 258 and 273).

(d) Budget

22. The public expenditure for childhood and adolescence is mainly allocated in three areas: social assistance, education, healthcare. In the first area in 2014 were allocated approximately 25 billion Euros (3.3% of the social expenditure, 1.5% of the GDP), even if this figure does not include tax benefits for families with children aged under 18 and the expenditure for educational services. The amount devoted to healthcare assistance is estimated in 1.800 Euros pro capite so that for all the population of children and adolescents in Italy the public expenditure is around of 16/18 billion Euros per year. To sum up, the public expenditure for childhood and adolescence is estimated in 100 billion Euros per year (6% of the GDP).

23. The National Authority for Childhood and Adolescence (herein after NACA) has mapped the available financial resources at the central level: from 2012 to 2015 there has been an increase of the resources for several Ministries (44 billion Euros to 45,6 billion Euros, + 3.6%). Out of the costs for human resources, the public expenditure increased from 3.2 billion Euros to 4.2 billion Euros (+32%). At the local level ISTAT monitors the social expenditure % of Municipalities. For more details, see Annex.

(e) International assistance (See COs, §§22–23, §82)

24. Italy gives its contribution for the negotiation of the UNGA annual resolution on the rights of the child introduced by the EU and the Group of the Latin American Countries and has an active role for the biannual resolutions on the eradication of female genital mutilations and early and forced marriage. These topics are also touched in bilateral dialogues with partner countries, turning also recommendations in the UPR mechanism, strongly supporting the work of the UN HRC Special Procedures and promoting cooperation projects in collaboration with UN agencies and civil society organizations.

25. In 2012 the Development Cooperation Guidelines on children have been reviewed, with the contribution from concerned public Administrations, IOs and NGOs. The Guidelines, in compliance with international legal instruments in force, identify good practices to promote the adoption and implementation of national policies and national/international programmes to prevent and to counter all forms of violence against children, in particular child abuse and sexual exploitation.

26. In the last 5 years Italy has increased financial resources available for development cooperation, in particular its contribution to UNICEF, from approximately 6 million Euros in 2012 to 17 million Euros in 2016. In this period almost 17 million Euros have been allocated to implement programmes concerning childhood and adolescence (see Annex).

27. Within the CoE framework Italy has supported the adoption of the Strategy for children rights 2016–2021 and its implementation by means of its participation to the competent Committee (CAHENF) and its working groups. In the same context also the Department for Equal Opportunities gives its contribution on topics such as child abuse and sexual exploitation; at the same time the National Authority for Childhood and Adolescence is member of the European Network of National Ombudsman (ENOC).

(f) National human rights organisation and Ombudsman for Children (See COs, §§12–13; CRC/C/ITA/Q/3-4, §§62 and 69)

28. According to Act No. 112 of 12 July 2011 (art. 1), the National Authority for Childhood and Adolescence (NACA) is independent and carries out its mandate autonomously through its staff composed of public officials from other public Administrations.

29. One of the operational priorities of the Authority is to listen directly to children and adolescents. During its visits on the territory, the Authority organizes meetings with them and participates to events organized by national and local associations. On these occasions, the Authority has the opportunity to go in detail about national criticalities and their local dimension, and to be informed about positive experiences. It also promotes the participation and the listening via its website (www.garanteinfanzia.org), open to discussion and initiatives promoted from and for young generations, and social networks (Facebook and twitter).

30. Since its establishment the Office has received reports from individuals, families, institutions, associations and competent structures. The NACA collaborates with institutions (in particular Ministries, Municipalities, social services, schools, courts), in order to assure that reports are adequately considered and, where possible, there is a concrete reply to claims.

31. 17 Regions and 2 Autonomous Provinces of Trento and Bolzano have established similar bodies (regional ombudsmen).

32. As it concerns the coordination activity, the National Conference for the safeguard of the rights of children and adolescents, under the direction of the National Authority and composed of the regional ombudsmen, or analogous bodies, where instituted, has approved ad hoc Guidelines for reporting to be used by the regional ombudsmen.

33. The monitoring of military schools is out of its mandate.

34. For further details concerning the NACA, see Annex.

National Authority for the rights of detainees and persons deprived of personal liberty

35. The National Authority for the rights of detainees and persons deprived of personal liberty has been appointed in 2015, according to the Rules of its structure and composition (Law Decree No. 146/ 2013). It has the mandate to monitor on all forms of deprivation of liberty for adults and minors in several settings (prisons, police offices, Centers of identification and expulsion — CIE, health psychiatric assistance shelters, and compulsory healthcare protocols). It coordinates the activities of the regional ombudsmen. It could make visits in juvenile prisons and reception shelters for minors in conflict with the law without any preliminary authorization.

(g) Awareness of the Convention

36. Within the implementation framework of Act No. 285/1997 two National Conferences were held in Naples (2009) and in Bari (2014) to debate over the situation of children and the protection of their rights in Italy.

37. The National Centre of Documentation and Analysis for childhood and adolescence releases the Review *Cittadini* in *crescita*, the *Rassegna Bibliografica* and the *Quaderni* (www.minori.it).

38. Several leaflets have been printed and disseminated:

- "*Diritti si cresce*" to students of primary and secondary schools to disseminate the UN CRC;
- Child-friendly version of the 4th PAI;
- "*Di chi è questo spazio? Un po' anche mio*", introducing the results of a national survey on the participation of young generations in family, schools, association and social settings and on their knowledge about the UN CRC. Several training and awareness raising initiatives have been promoted in schools with the contribution of UNICEF and PIDIDA. Furthermore the NACA disseminates good practices and MoUs to promote the UN CRC (see Annex).

39. As it concerns the dissemination of the Third Optional Protocol, it has been promoted on the media, on the National Centre of Documentation and Analysis for childhood and adolescence's website and by several public and private stakeholders.

40. The Ministry of Education promotes at the national and local level several awareness raising, information and peer education projects on the UN CRC.

Training (See COs, §§18–19)

41. Human rights protection issues are part of basic and follow-up training of Corps' personnel, by appropriately formed staff. Since 2009 pre-service and service training for Italian Army and *Carabinieri* Corps is provided by specialized personnel and teachers from civil society, and is compulsory for pre-deployment and service abroad.

42. As far as National Police several training programmes have been implemented focused on investigation techniques about child abuse, domestic violence, stalking and gender violence, discriminatory acts. Basic training for *Carabinieri* Corps at all levels (about 2.600 trainees) includes the human rights topic according to a multidisciplinary approach. The training of the Guardia di *Finanza Corps* provides for several professional courses devoted to the exploration of human rights issues and international humanitarian law (see Annex).

43. It is worth of mentioning the MoU signed by the Ministry of the Interior and the NACA to promote permanent training activities addressed to Police Forces (see also HRI/CORE/ITA/2016, §§235–242).

44. Moreover targeted awareness raising campaigns and training activities have been carried out at the national level, addressed to:

- Professionals, referees of networks, families' association working in the field of family foster care;

- Healthcare professionals/paediatricians;
- Lawyers assisting minors, encouraged to use the individual communication tool as introduced in training models supplied in 2016 by the National Union of Juvenile Courts, the *Istituto degli Innocenti* and Save the Children Italy.
- Other professional categories receive targeted training.

(h) Awareness of the Italy CRC report and of the Concluding Observations (See COs, §84)

45. The 3–4 UN CRC National Report has been published in 2009 and distributed in 3000 copies, being also accessible on line. The Concluding Observations have been translated in Italian and published on *Cittadini in crescita* and sent to 3000 stakeholders, being also accessible on the website of the National Centre of Documentation and Analysis for childhood and adolescence.

(i) Cooperation with civil society

46. See the reform of Chapter V of the Italian Constitution, art. 118 and Act No. 106, 6 June 2016. Civil society stakeholders dialogue permanently and are members of several relevant bodies established by central, regional and local Administrations (i.e. the NOCA and the Observatory to counter child pedophilia and pornography).

Data collection (See COs, §§16–17)

47. The rules concerning the Records database for Assistance entered into force on 25 March 2015, as part of the Informative System of Social Services (SISS). The system includes the information database on care and protection of children and their families (S.In.Ba.), based on a standard minimum data collection from Regions in order to define common indicators about social assistance addressed to children and families (integrating from 2018 also data regarding children out of families).

State obligations regarding the impact of the business sector on children's rights (See COs, §§20–21)

48. The 1st National Action Plan on Business and Human Rights 2016–2021 was approved on 15 December 2016 to promote policies ensuring the respect of human rights in business activities, in particular in relation to vulnerable categories. Another recent tool to promote CSR is the Due Diligence Guideline in the supply chain, produced by the Italian OECD Contact Point. Furthermore the Report on responsible business conduct in the textile and garment supply chain was released in 2015. Other legislative references are worth of mentioning: Act No. 199/2015 about children rights violations; Legislative Decree No. 54/2011 concerning toys safety; Legislative Decree No. 254 of 30 December 2016 concerning the transparency of business companies activities — including the environmental and social information, in relation to human resources, supply chain, human rights protection (for child labour see Cluster 9d).

2. Definition of the child

49. According to art. 2 of the Civil Code the legal adulthood is acquired only at the fulfilment of 18 years, the individual obtaining the capacity to carry out actions for which no other age is expressly fixed. This means that each legislation referring to children and adolescents concerns individuals aged under 18, unless otherwise specified. For example art. 2§2 refers to special norms establishing another age in matter of labour: the legal adulthood is not anticipated but the individual aged under 18 benefits from special guarantees. Also art. 600-bis of the Criminal Code (child prostitution) provides for the accountability of the offender having sexual relationships with a child aged between 14 and 18, this age range is explained by the fact that performing sexual acts with a child under 14 is always punished as sexual violence in compliance with art. 609-bis of the Criminal Code. The individual aged under 18 is under parental responsibility (art. 316 of the Civil Code, with some

exceptions provided for by the law) or of a guardian appointed by the judiciary: this means that these persons are accountable for the acts committed by children. There are few exceptions where the individual could be accountable even if he/she has not obtained the legal adulthood: i.e. when the Court authorizes an adolescent aged not less than 16, out of art. 84 of the Civil Code, to marry another person following the ascertainment of his/her psychological and physical maturity (art. 390 of the Civil Code). In these circumstances the parents/guardian and the judicial authority must be involved and there could be the possibility of appeal to the competent Court.

3. General principles

(a) Preventing discrimination and ensuring children's rights

50. To counter discrimination against children the following measures have been adopted:

- Act No. 112/2011, establishing the NACA and related operational rules;
- Act No. 199/ 2015, ratification of the UN CRC Third Optional Protocol;
- 4th PAI deserves special attention to contrast discriminations against children in vulnerable situations.

51. To counter poverty — as one of the main discriminatory factors — Act No. 33/2017 provides for a comprehensive systematization of measures against poverty, countering economic and social constraints for citizens equity and human development and promoting wider and harmonized social policies.

52. On intervention to mitigate regional disparities in accessing to children services see Cluster 1. As it concerns school inclusion of migrant children and the role of the National Observatory for integration of foreign pupils and intercultural education see Cluster 8a. On protection and promotion of rights of ethnic and linguistic minorities please refer to HRI/CORE/ITA/2016, §§250, 260–280. On unaccompanied minors please refer to CRC/C/ITA/Q/3-4, §§139–156; Part II, pp. 62–66; Cluster 9 a.

53. As far as countering discrimination Act No. 162/2015, leading to the ratification of the UN Convention on the reduction of statelessness is worth of mentioning.

Measures to ensure the elimination of any form of discrimination against Roma children (see COs, §25a)

54. In order to contrast discrimination against Roma, Sinti and Caminanti Communities (hereinafter RSC) in 2012 UNAR has submitted for adoption to the Italian Government the National Strategy for RCS inclusion. It includes objectives, orientations and measures to promote integration, equal treatment, economic and social inclusion of RSC Communities. It aims to promote a long-lasting and sustainable improvement of their living conditions, an effective and permanent responsiveness, the contribution to their social development, the exercise and the full enjoyment of citizenship rights. In 2015–2016 other measures have been adopted in this context in respect to RSC children: the elaboration of the Plan of action/health for and with RCS Communities, the 4th PAI, the national project for the integration of the RSC children promoted by the MLSP (for a more detailed description of actions of social inclusion of RSC children in line with CERD/C/ITA/CO/15 see Cluster 9, Annex, HRI/CORE/ITA/2016, §§ 272–275).

Measures to ensure the elimination of any form of discrimination against children with disabilities

55. Legislation concerning children with special educational needs (hereinafter BES) forbids any form of discrimination and promotes their full inclusion by referring to the WHO International Classification of Functioning. Italy has ratified the UN CRPD by Act No. 18/2009 and has established the competent National Observatory by Presidential Decree of 4 October 2013, also adopting the Biennial Programme of Action for the promotion of rights and the integration of persons with disabilities. As it concerns BES,

please refer to CRC/C/ITA/Q/3-4, §§15–25 and 130–138 and to Ministry of Education Circular to manage the integration of students facing personal, linguistic, cultural, social difficulties apart from the provisions of Act No. 104/1992 (persons with disabilities) and Act No. 170/2010 (Specific Learning Disorders).

Measures to ensure the elimination of any form of gender-based discrimination (See COs, §32c)

56. Please refer to HRI/CORE/ITA/2016, §241. Within the legislative framework the following measures could be mentioned:

- 4th PAI provides for in the Section on nurseries' social and educational services the target of "Developing the culture of the value of diversity — Countering gender, culture, ability and sexual orientation stereotypes and discriminations";
- Act No. 107/2015 provides for the implementation of equal opportunity, gender equality, prevention of gender-based violence and all discriminations at school, as included in the 3-years school programming;
- Extraordinary Plan of Action against sexual and gender violence provides for cultural initiatives to prevent sexual and gender-based violence (see Cluster 5);
- Act No. 119/2013 on feminicide and gender-based violence provides for prevention and educational/training measures on gender equality;
- Act No. 77/2013 ratifies Istanbul Convention.

57. Several activities — education, training, awareness raising campaigns — have been promoted by the Ministry of Education, the Department for Equal Opportunities, associations at school and in social contexts on gender stereotypes — media included — gender violence and homophobic bullying (see Cluster 5). Italy has adopted the National Strategy for the prevention and the contrast to discriminations based on sexual orientation and gender identity 2013–2015, implementing CoE CM/REC (2010) 5. Act No. 76/2016 disciplines the same-sex civil unions, providing for a mutual obligation for moral and material assistance and housing; it does not preview provisions concerning adoption of the partner child, even if the judiciary could be sentence on it.

Measures to ensure the elimination of any form of discrimination of children in prisons

58. 4th PAI include among its target to "Launch and support prevention, social inclusion, educational and job orientation paths addressed to Italian, foreign, RSC children and adolescents in conflict with criminal law". The Ministry of Justice and the NACA signed on March 21 2014 a MoU to facilitate relationships between detainees/parents and their children, avoiding negative impact on their health and school drop-out.

Legislative amendments that reduce sentences for propaganda advocating racial or ethnic superiority (See COs, §24b)

59. Art. 3§1a) of Reale Law, as amended by Mancino Law, punished the spreading of racist ideas with the detention up to 3 years. By Act No. 85/2006, art. 13, the punishment decreased up to 1 year and 6 months and refers to the propaganda of ideas and to instigation of ideas based on racial superiority or racial hatred, without compressing its criminal impact.

Other measures taken to prevent racism, racial discrimination, xenophobia and intolerance discrimination (See COs, 25b), 25c) e 25d)

60. Please refer to HRI/CORE/ITA/2016, §§246–255 concerning provisions that sanction the establishment of organizations, associations, movements or groups having, among their purposes, the incitement to discrimination and violence based on racial, ethnic or religious hatred, and providing for a special aggravating circumstance for offences on the grounds of discrimination or racial hatred. Please also refer to HRI/CORE/ITA/2016, §§207–2014 referring to the adoption by UNAR in 2015 of the National Plan of Action against racism, xenophobia and related intolerance, aiming inter alia at collecting

systematically all records of discrimination, included at school, in access to healthcare services and in sport.

Measures to ensure the elimination of any form of discrimination of children born outside marriage (see COs, 25e), 25f)

61. Please refer to HRI/CORE/ITA/2016, §§167 and 178 in matter of recognition of natural children (Act No. 219/2012, awaiting the ratification of the CoE Convention on the legal status of children born outside marriage) and of filiation (Legislative Decree No. 154/2013) to avoid any form of discrimination, above all in relation to adopted children.

(b Best interest of the child

62. The promotion of the rights of the child is comprehensively enshrined in the Italian Constitution, to be considered as general strategic legal framework. So far the best interest of the child has been gradually assumed as key criteria, beyond its implementation in the field of family separation: indeed, for example, it was recalled on the occasion of the recognition of children born from incestuous relationships by the Juvenile Courts. The principle has further been reminded:

- In relation to the right to be heard according to the above mentioned Act No. 219 and Legislative Decree No. 154/2013;
- In relation to adoption of reception measures, according to Legislative Decree No. 142/2015, art. 18, providing for the right to be heard to be acquainted with past experiences, to evaluate the risk of trafficking as well as the opportunity for family reunification, and art. 19§7, with reference to family unit, as a principle to be applied in researching about the own family while fully respecting the privacy;
- In relation to Act No. 101/2015, mentioning the principles under reference for the assignment of the minor in a family or in a residential shelter, or the legal aid by means of the kafala or similar instruments;
- In relation to 4th PAI and to 2012 national Guidelines on family foster care.

The principle has also been mentioned in the case-law:

- Corte di Cassazione Sez.Unite, Judgment No.13332/2010: the best interest of the child is a key criteria for minors waiting for adoption.

On child adoption see Cluster 6h).

(c) The right to life, survival and development

Prohibition of capital punishment

63. Art. 27 of the Italian Constitution, as amended by Constitutional Law No. 1 of 2 October 2007, prohibits the capital punishment, excluding any reference to military laws: so it is also forbidden for minors or minors as criminal offenders.

Deaths and extrajudicial executions of minors

64. There are no cases on this point.

Prevention of suicides and infanticides

65. Several initiatives have been put in place:

- Specific prevention projects in healthcare shelters involving different age classes;
- 4th PAI includes targets of integration between schools and territorial educational and social agencies to counter social exclusion and marginalization;
- Support to victims of bullying, as previewed in Act No. 71 of 29 May 2017;
- Co le of Conduct of media operators, approved in January 2016, preventing the use of any means to emphasize details that could provoke suggestions or emulation

following self-endangering and rash behaviors, suicides, escaping, low criminality committed by minors.

66. As far as minors in prisons, the quality and the relationship between educators and minors must be properly ensured: on this topic the Parliament is working for a comprehensive reform. At the same time the new competences of the National Health System as it concerns the healthcare services in prisons have attributed a proper mandate to Regions in managing health conditions of minors in prisons.

67. Art. 578 of the Criminal Code punishes the infanticide committed by the mother during the pregnancy or immediately after the birth of the child, providing for the detention from 4 to 12 years. The mother has the right to not recognize and not give supply to the child, being free to give birth secretly in hospitals and health structures.

(d) Respect for the views of the child

68. In different settings the respect for the views of the child has been granted:

(a) In schools, where there are rules providing for the election of representatives of students in the boards (in the classes, among classes, on behalf of the school, at the Provinces' level), the creation of students' assemblies and the possibility for students to make proposals and to take decisions on school life;

(b) In the health system, where the child has an individual right to express his/her consent to health practices according to his/her age and the kind of measure (see the Carta dei bambini in Ospedale). The legislation already rules about the consent release autonomously from the parents (i.e. contraception, IVG, diagnosis and care of sexually transmitted diseases, detox programs from psychotropic substances, advice support and assistance at school);

(c) Unaccompanied foreign minors seeking for asylum could act only through their legal guardian: so far the participation of minors is guaranteed during this public process.

Legal provision establishing the right of the child to be heard (See COs, §27a; 3–4 UN CRC National Report, §§144–166)

69. Act No. 219/2012 (with reference to art. 315 bis of the Civil Code) and Legislative Decree No. 154/2013 (with reference to arts. 336 bis, 337 octies, 38 bis of the Civil Code) have provided for the right to be heard within the family and in the legal proceedings concerning the child.

70. Legislative Decree No. 154/2013 establishes that children aged 12 years or less are heard by the President of the Court or by the competent judge. Whenever this right is in contrast with the interest of the child, the judge motivates the prevalence of the latter. The judge is supported by experts and parents, the defendants, the special curator. The Public Prosecutor could be admitted to the proceedings and could give preliminary contribution, with the authorization of the judge. Before the hearing the judge informs the child on the proceedings and on the impact of the right to be heard; the proceedings are recorded. The judge is obliged to hear the child and to ensure that the proceedings respect the best interest of the child, not damaging him/her and no putting him/her at risk of being victimized again. If it is not the case, the Corte di Cassazione will nullify the judgment. The judgment must encompass motivations such as the opportunity not to hear the child and to sentence divergently from the child opinions. Several protocols promoted by all the concerned actors (magistrates, lawyers, operators) have been put in place concerning the listening procedure, the proceedings relating family law and child law, the civil proceedings.

71. Act No. 172/2012 refers to criminal circumstances involving children as victims and/or witnesses of sexual abuse and exploitation and ill-treatment within the family: it amended the Criminal Procedure Code as far as the right to be heard; also Act No. 119/2013 provides for the compulsory protected listening procedures for offences committed against relatives and persons who live with children (art. 572 of the Criminal Code) (see Annex).

72. Legislative Decree No. 212/2015 provides for enhanced protection of victims in vulnerable conditions.

Children's participation (see COs, §27c, Cluster 1b)

73. The participation of young generations to legislative and political activities is promoted at school, in associations and political parties, by enjoying the right to vote representatives at school, in children's council and so on. The Councils of adolescents are bodies established by local authorities and municipalities to support the decision-making process. They are present also at the regional level, with the assistance and coordination of the regional ombudsman (e.g. the project "Partecipare, Infinito Presente" carried out by the PIDIDA network, the NACA and several Regions). Furthermore the MLSP, in collaboration with the National Centre of Documentation and Analysis for childhood and adolescence, has carried out in 2016 a survey on children and adolescents well-being in the 15 Municipalities ex Act No. 285/1997, to explore their lives, level of satisfaction, relationship with institutions, their fears and expectations for their future (see Annex).

4. Civil rights and freedom

(a) Birth registration and nationality (See COs, §§28–29)

74. A specific legislation disciplines the duty to record births (please refer to CRC/C/ITA/Q/3-4, §112), under the competence of health and social structures. It also encompasses the recognition of the statelessness13: this legal status, as for the non EU citizens, grants the access to public services (*Corte di Cassazione*, Judgment No. 4262 of 3 March 2015). At present a bill is under discussion (No. 2092) concerning the acquisition of citizenship by birth (ius soli) and after attending school paths (*ius culturae*). To counter statelessness with reference to RSC Communities, several Municipalities and Regions have carried out social inclusion projects, awareness raising activities, naturalization, legalization of critical situations. The above mentioned Act No. 219/2012 introduces some changes in the recording of births, i.e. the legal equality between legitimate and natural children, beyond the formal parental relationship of the marriage.

(b) Preservation of identity

75. All born babies must be recorded with name and surname, according to identification procedures excluding any offensive term attempting to children identity and development. This concerns also children whose parents do not want to be named, to recognize the children or let them abandoned (see Annex).

(c) Freedom of expression and the right to seek, receive and impart information

76. There is a comprehensive commitment for the enjoyment of freedom of expression in the new media to promote educational tools for their correct use and to prevent all risks (See Cluster 3d, Cluster 4g, Cluster 5).

77. As for the acquisition of information about own origin, see Cluster 4 b). As for the assistance for foreign children in first reception centres according to Legislative Decree No. 142/2015, art. 19, a dialogue with a psychologist of the developing age and a cultural mediator is provided for to ascertain their individual conditions, the causes and circumstances for leaving the country of origin, the travel and his/her future expectations. The information about family foster care and residential communities will be provided for in an ad hoc child friendly version of the related Guidelines, prepared by the MLSP.

(d) Freedom of thought, conscience and religion (See COs, §§31a–31b)

78. Apart from the contents of Act No. 107/2015 where the training on catholic religion is not properly included (please refer to 3–4 UN CRC National Report, §194), the programming measures of schools are based *inter alia* on the participation of students and parents in order to counter every form of direct/indirect discrimination on the grounds of gender, language, race, religion and other element. This includes the information to enjoy

this freedom by attending or not lectures of religion, being in any case at school or attending other lectures or coming back home. This choice is renewed automatically but could be changed and the form must be signed by both parent and the student attending secondary schools. Alternative lectures must be programmed in each school, in line with the Note of the Ministry of Education No. 2852/2016 and the production of ad hoc materials in more languages is ongoing. Alternative options to the lecture of religion are:

- Subject out of the standard curriculum;
- Study activities at school with the support of personnel;
- The presence at school under monitoring;
- The option to come back early home.

(e) Freedom of association and of peaceful assembly (See 3–4 UN CRC National Report, §§215–217)

79. Children aged under 18 could join several kinds of associations formally recognized, whose main representative must have legal capacity. In Italy we have the Network of Students of secondary schools and the Scout movement. By Ministerial Decree of the Ministry of Education of 1 September 2016 710.500,00 Euros have been allocated for the participation to Advisory Bodies of Students in the Provinces (Presidential Decree No. 567/96).

(f) Protection of privacy and protection of image See 3–4 UN CRC National Report, §§218–224)

80. For data protection of children involved in self-endangering and rash behaviors, suicides, escaping, low criminality, the Code of Conduct of media operators is in force since 27 January 2016 (see Cluster 3c).

(g) Access to information from a diversity of sources and protection from material harmful to a child's well-being (See COs, §§32–33)

81. The Consolidated Act of audio-visual and radio media services, as amended by Legislative Decree No. 44/2010 (art. 1-ter), establishes the fundamental principle of the respect of human dignity and to exclude any content fuelling racial, sex, religion and nationality hatred.

82. By Decree of the Ministry of the Economic Development of 17 July 2013 a permanent monitoring and sanctioning system against media that violate the freedom of expression of children has been established, so far protecting their full mental, physical and moral development. A Committee for the implementation of the Self-Regulation Code Media and Children has been created (see Annex).

83. As it concerns videogames, the Authority for Communication Guarantees (AGCOM) and the National Council of Users call for a reinforced protection of self-regulations tools based on the red reference '+18', defined by the Pan European Game Information.

84. Since 2015, following an agreement promoted by NACA, advertising messages before movies specifically addressed to children at cinemas must not have harmful or inappropriate contents. In the White Book on Children and Media (see Annex) of the AGCOM data concerning monitoring and sanctioning are contained (see Cluster 5 and Annex).

5. Violence against children

(a) Abuse and neglect (See COs, §§43–44, 44b)

85. To protect children from violence Ministries, Regions, Municipalities, schools and professional associations have implemented many projects of prevention, awareness and training addressed to children and adolescents, teachers, health, social, educational and judiciary personnel, police forces and media. In some Regions due to the collaboration

between health and social services home visiting practices have been put in place. Violence under reference could be between pairs or is committed by adults, inside and outside families, online and offline (see Annex).

86. Among the activities promoted by the NACA there are the following ones:

- In 2015 the first "National Inquiry on children and adolescent's ill-treatment in Italy", in partnership with Terre des Hommes and CISMAI, the National Association of Italian Municipalities (ANCI) and the National Institute of Statistics (ISTAT);
- The proposal to prevent and take care of children ill-treatment, drafted by an ad hoc Advisory Commission;
- The proposal on the identification of LIVEAS concerning civil and social rights, draft by an ad hoc working table;
- The establishment of the National Consultation Body of Associations and Organizations, to promote adequate collaboration and dialogue, as well as of 3 Working Groups to debate over psychical unease of adolescents, permanent care and protection in the communication world.

87. 4th PAI and P.I.P.P.I. Programme (see Cluster 6) contain references to parental support to protect vulnerable children and to take care of victims of abuse and ill-treatment, also in judiciary settings. Furthermore the criminal legislation in force concerning violence against children, including corporal punishment, is worth of mentioning (see COs, §§44a)–44b-ii), whereas during the Regional Consultations for Europe and Central Asia (Ljubljana, Slovenia, 5–7 July 2005) all references to Italian case law confirm the implementation of legislation already in force and punish each form of corporal punishment. Act No. 119 of 15 October 2013 is strongly linked with the provisions of Istanbul Convention.

88. In December 2016 the Department of Equal Opportunities published a call to finance educational initiatives within the framework of the Extraordinary Plan of Action against sexual and gender violence.

89. The Ministry of Health has adopted the National Plan of Prevention 2014–2018, as part of the National Health Plan, demanding for the adoption of regional plans (see Annex). In this context the Department for Equal Opportunities has drafted the Guidelines to identify LIVEAS of protection and educational support in favour of children as victims of abuse and sexual exploitation, to balance regional interventions (see COs 44b) i; Cluster 10).

90. With respect to the drafting process of a national strategy to counter violence, the following actions should be mentioned:

- By Ministerial Decree dated 10 November 2010, the then Minister on Equal Opportunities approved, upon positive opinion by the Unified Conference, the three-year term "*National Action Plan against gender-based violence and stalking*". Within the Plan the issue of the child, early and force marriages is referred to as one of the relevant forms of violation of women rights, together with FGM and trafficking;
- The Extraordinary Plan of Action against sexual and gender violence (Law Decree No. 93/2013), adopted by Prime Ministers Decree of 7 July 2015;
- The participation, through the Department for Equal Opportunities and the Observatory to counter child pedophilia and pornography, to several CoE initiatives (see Cluster 10g), such as the Strategies on the rights of the child 2012–2015 and 2016–2021.

91. Among the other initiatives there are the National Plan for the Prevention of bullying and cyber-bullying at school (2016–2017), the Guidelines for actions to counter bullying and cyber-bullying adopted by the Ministry of Education in 2015 and various regional observatories on bullying (see Annex).

92. Within the Italian legislative framework there is not a specific definition of violence against children nor an explicit prohibition but all different behaviors against them as persons (physical, psychological, injury, abuse, neglect, ill-treatment and exploitation — also sexual exploitation) are sanctioned by the Criminal Code (see Concluding Observation, § 44b) ii). Their protection is ensured in respect of the fetus, the baby, the child, the adolescent until 18 years. The legislation refers to offences affecting children as passive victims, or aggravating circumstances. Some legislative measures have also been amended by introducing general aggravating circumstances (art. 61 of the Criminal Code), increasing the sanction to protect children as victims. The *Il Forteto* Community case could be here mentioned, where every kind of violence was committed against children and adolescents since 1977: two inquiry commissions were established to investigate over the facts.

93. In 2013 the database on child abuse and sexual exploitation has been created to collect information from central and local Administration on the phenomenon, focusing on children as victims of sexual crimes (see COs, §44b) iii). Several national researches have been carried out:

- 2015 "National Inquiry on children and adolescent's ill-treatment in Italy", in partnership with Terre des Hommes and CISMAI, the National Association of Italian Municipalities (ANCI) and the National Institute of Statistics (ISTAT);
- 2015 ISTAT Survey on violence against women;
- 2015–2016 Multi-country study on child violence drivers, coordinated by UNICEF.

(b) Measures to eliminate all forms of harmful practices

94. An ad hoc Commission for the prevention and the fight against FGM has been created since 2009 at the Department for Equal Opportunities whose mandate was performed by elaborating the second Programming Plan fixing the national action priorities in this field, in accordance with art. 2 of Act No. 7/2006 (See 3–4 — UN CRC National Report, §§404–405).

95. Marriages with minors are prohibited according to art. 84 of the Civil Code, with the exception of children aged 16 and under authorization of the competent court (see Cluster 2). Two references to forced marriages are included in the ratification of the Istanbul Convention (Act No. 77 of 27 June 2013, arts. 32, 37 and 59) and in Ministerial Decree of 2007 — "Carta dei valori della cittadinanza e dell'integrazione" (point 18). The offence is punishable also as private violence (art. 610 of the Criminal Code), intimidation (art. 612 of the Criminal Code), ill-treatment (art. 572 of the Criminal Code), slavery (art. 600 of the Criminal Code), sexual violence and sexual acts with minors (art. 609 bis — 609 quater of the Criminal Code).

96. There is no systematic detection of cases, therefore there is no quantification of the phenomenon, however a comprehensive monitoring on the phenomenon has been carried out by *Le Onde* Association, financed by the Department for Equal Opportunities; the same Department has promoted in 2013 a Survey to estimate the number of women and girl victims in Italy of forced marriages, detailed also through contacts with Antiviolence Centres.

(c) Sexual exploitation and sexual abuse (see Cluster 10)

97. The National Observatory to counter child pedophilia and pornography has a specific research and dissemination section on bullying, also in relation to the Council of Europe "One in five" Campaign on sexual violence against children and to the underwear rule website (http://www.quinonsitocca.it/Default_it.asp).

(d) The right not to be subjected to torture or other, inhuman and degrading treatment or punishment (See COs, §§34–35; Cluster 5b; Cluster 10)

(e) Measures to promote the physical and psychological recovery and social reintegration of child victims (See Cluster 10e)

98. In September 2011 the Department for Equal Opportunities, in cooperation with the Observatory, presented a Public Notice to support pilot projects aimed at ensuring that child victims of sexual abuse and/or exploitation benefit from social and assistance services, by means of a close integration among social, health and judicial sectors, enabling to overcome the diversity of procedures used by local social and health services. A similar Public Notice has been published in 2016 in relation to the Extraordinary Plan of Action against sexual and gender violence to strengthen the action of Antiviolence Centres and assistance services at the local level.

99. On the topic of 'special orphans' as victims of assisted violence a MoU was signed by the DFP and the NACA on 10 October 201o to facilitate their collaboration in this field. Their condition has been recognized in Act No. 232/2016 (art. 1§146, Financial Law for 2017), in order to give them adequate compensation.

(f) The availability of helplines for children

100. Tool number 114, promoted by the Department for Equal Opportunities and managed by Telefono Azzurro, addressed to children and adolescents in emergencies, to citizens claiming emergencies, to local services and institutions working in this field. From 2006 to 2013 14.692 calls were recorded, of whom 1.460 from children:

- EU tool number 116000 for missing children, managed by the Ministry of the Interior and Telefono Azzurro; in this context the Child Alert service is also active, yet managed by the Ministry of the Interior. From May 2009 to March 2016 1.425 calls were recorded, of whom 739 are new cases;
- Countering violence and stalking tool number 1522. In 2016 31.834 calls were recorded, including from children as victims of domestic violence;
- National tool number for victims of trafficking 800-290-290, free, anonymous and multi-language to give information about legislation and social assistance services to victims in Italy;
- Tool number for FGM 800 300 558, managed by the Ministry of the Interior. From 2009 to 2015 200 calls were recorded.

6. Family environment and alternative care

(a) Family environment and parental guidance in a manner consistent with the evolving capacities of the child

101. The National Plan for Family has promoted measures to assist and to strengthen the participation of families and in particular families with children and families where relationships among its members are critical and call for urgent support.

102. The Fund for Family Policies has been established at the Prime Minister's Office to promote and carry out interventions to safeguard the family, in all its components and criticalities.

103. Act No. 296/2006, art. 1§1250–1251 provides for the key-actions of the Fund for Family Policies.

104. The DFP and the Department for Juvenile Justice of the Ministry of Justice signed in 2011 and 2013 two MoUs to experimental and research innovative model to support families with children in conflict with the law, within the "Family Roots" project financed by EU15.

105. 4th PAI has provided for targeted actions to recover parenting skills by involving them with children in psychological, educational and social ad hoc projects, including adoptions or long-term foster care options.

106. In 2011 the P.I.P.P.I. National Programme started under the partnership of the MLSP and Padua University to innovate practices concerning careless families to improve their capabilities, reinforcing measures to respond to children development needs, reducing ill-treatment risk and the removal from their family (see Annex).

(b) Parents' common responsibilities, assistance to parents and provision of childcare services

Childcare services (See COs, §§ 36–37)

107. As for 2008–2011 please refer to CRC/C/ITA/Q/3-4, §§ 32–34 and 41–50, Cluster 6e.

108. New educational childcare services have been provided for since the Extraordinary Plan 2007–2009 and related initiatives, if compared with former Regions and Municipalities competences. From 2008 to 2015 the nurseries have been expanded from 210.541 to 314.741 (15.8% to 20.8%). However they have not accomplished the national, regional and provincial target of 33% of access for babies, due to territorial disparities in particular in Southern Italy. The national programme "Services for childcare and no self-sufficient elderly", started in 2013 and extended until 2017, finances interventions in Calabria, Campania, Apulia and Sicily to this scope: there are additional resources for public and nurseries under agreement, integrative and innovative services, territorial balancing. Furthermore the DFP has concluded agreements with Autonomous Provinces in this field, to create new nurseries, to cover management costs, to improve the quality of services, to support births and big families or families in critical conditions, to support Family Centres whenever they are in place.

109. From 2007 to 2015 7 agreements have been signed with Regions and Autonomous Provinces for a total amount of 637.000.000 Euros to be allocated for interventions in this field. Also the action concerning the "Sezioni Primavera" (please refer to 3–4 UN CRC National Report, §§266–267) is carried out in connection with the implementation of ad hoc agreements promoted by the Ministry of Education addressed to babies aged 24–36 months. Act No. 107/2015 provides for an integrated system for this purpose concerning children aged 0–6 years. This law aims to transform nurseries from a social and welfare service on demand to a universal and educative service.

110. Further 4th PAI aims at improving the quality of childcare services by ensuring homogenous standards for the training of teachers, quality control, amelioration of early childcare services. The DFP has implemented some actions at the regional level to improve the quality of nurseries. The National Information Services on socio-educational early childcare services (S.I.N.S.E.) has been establish to monitor and programming activities in this field, to facilitate the collection and sharing of information about this kind of services at the national level.

Conciliation policies and economic support

111. The following laws have been adopted:

- Act No. 101/2008, converting Law Decree No. 59/2008 to protect mothers and fathers re-entering from the maternity or paternity leave and receiving benefits;
- Legislative Decree No. 119/2011 on the reorganization of regulations in matter of maternity/paternity leave, days of leave and time-off work;
- Act No. 92/2012, introducing the pilot duty — for 2013–2015 — for the father to use the parental dismissal for one day in the first 5 months from the birth of the child;
- Act No. 228/2012, introducing the possibility to use the parental leave per hour up to the half of the daily timetable;

- Legislative Decree No. 80/2015, making more flexible the use of compulsory parental leave by extending it up to 6 months or on an hourly basis according to a 50% part time;
- 2017 Financial Act, improving measures on the reconciliation between family and work providing for compulsory parental leave for fathers up to 4 days and 1 optional day from 2018 (please refer also to HRI/CORE/ITA/2016, §229) (see Annex).

112. The DFP has also promoted several initiatives (see also Cluster 6d and Annex).

(c) Separation from parents (See HRI/CORE/ITA/2016, §229)

113. The Decree of the Ministry of Justice 8 March 2013 provides for the requirements for protected family-houses as an alternative to prisons (also including the detention facilities for mothers and their children. See Cluster 6j) on the right of the child to preserve relations with their detained parents.

(d) Family reunification (See COs, §40d)

114. The basic legislative reference is the Consolidated Text on Immigration (Legislative Decree No. 286/1998, arts. 29 and 29 bis). In 2010 the *Sezioni* Unite of the *Corte di Cassazione* has interpreted its art. 31 (Judgments No. 21799/2010 and No. 21803/2010) in relation to the family reunification of the child, as an exception for a determined period, based on serious motivations pertaining to his/her psycho-physical development.

(e) Recovery of maintenance of the child (See COs, §§36–37)

Support for Active Inclusion (SIA)

115. The Support for Active Inclusion (SIA) is a measure promoted by the MLSP to counter poverty by assisting financially families in economic difficulties where there is at least one component aged under 18, or with disabilities or a pregnant woman. The family is involved in an ad hoc project managed by the Municipal social services (coordinated at the territorial level) in coordination with other local services (job centres, healthcare services, schools) and third sector, social stakeholders and the community at large (see Annex). I.S.E.E is an indicator of the Economic Situation, appropriately certified, to let the potential low-income beneficiaries easily access to social assistance and public interest services.

(f) Children deprived of a family environment

Minimum criteria and standards for services and care for all alternative care institutions for children deprived of a family (See COs, §§38–40)

116. The national project "Un percorso nell'affido" has produced a national mapping about foster care, covering training and support of foster families, exchange of experiences, a national promotion campaign. Similar initiatives have been carried out also at the regional level. The results have been further traduced in the "Guidelines for family foster care" approved by the Unified Conference on 25 October 2012 to address, support and regulate the matter as national homogenous and shared means of protection and intervention for children (see Annex).

117. MLSP has established in 2015 a permanent Table on communities for minors involving representatives of central, regional and municipal administrations, experts, associations of ex-beneficiaries and representatives of the networks of communities for minors to debate over possible answers to each need. This body has adopted the "Guidelines for the assistance in residential services for minors". Data concerning children out of the family will be collected by S.In.Ba. (see Cluster 1). In 2018 social services will have to complete a common personal dossier for all minors out of home as first pilot implementation of S.In.Ba. Currently, there is an annual monitoring in Regions and Autonomous Provinces and the situation in the 15 Metropolitan Areas according to Act No. 285/199720, both carried on by the National Childhood Documentation and Analysis Centre (CNDA).

118. Furthermore, in the preparation of the Report to the Parliament on the enforcement of Act No. 149/2001, the Department for Juvenile Justice at the Ministry of Justice carries out a periodic survey on its implementation.

119. In relation to the protection of children out of their family, Act No. 173/2015 was adopted, amending art. 44 of Act No. 184/1983 providing for the adoption of an orphan child from persons who do not have the requirements of art. 6 but a pre-existing strong and lost-lasting foster care relationship.

120. At last it is worth of mentioning the ratification of the Hague Convention by Act No. 101/2015.

(g) Periodic review of placement

121. Act No. 149/2001 previews that Regions define and monitor the respect of minimum standard services and assistance from family communities and institutes (see also § 338 of the 3–4 UN CRC National Report and CRC/C/ITA/Q/3-4, §§65–66). Moreover, the NACA has published in 2015 the first Survey on this issue.

(h) National and international adoption (see COs, §§41–42)

Best interest of the child and adoption (see COs, §42a)

122. The Authority for International Adoptions (*Commissione per le adozioni internazionali*, herein after CAI) has produced a handbook for the quality of related services, including best practices to enforce procedurally the best interest of the child. Relevant in matters of adoption is also the reform introduced by Act No. 173/2015 (see Cluster 6f).

Bilateral agreements with States not Parties to the Hague Convention (See COs, §42b)

123. CAI as national office for the Hague Convention has concluded several agreements with Countries where adoptions are critical (i.e. Burundi, 2014; Cambodia, 2014; Russian Federation, 2015; China, 2015; Belarus, 2014).

Monitoring and control over private agencies (See COs, §42c)

124. A general monitoring and control is in place on authorized private agencies according to Presidential Decree No. 108/2007, concerning their requirements and correctness, transparency and efficiency of their activities, sometimes concluding for their suspension or the revocation of authorization. The CAI and Police Forces have signed in July 2016 a MoU to collaborate to this purpose and the same occurred with the Carabinieri Corps (see also CRC/C/ITA/Q/3-4, §§ 113–116).

Follow-up on child well-being and causes and impact descending from the interruption of adoption (See COs, §42d)

125. Since 2009 CAI has carried out a monitoring activity on family experiences concerning adoption, giving a comprehensive overview on the matter. A following action emerging from the results of this monitoring has been focused on the post-adoption phase, which was summed up in a report released in November 2016. Also the so called 'failed adoptions' in respect to loss of parental responsibility have been investigated at the national and local level (low %, between 1.8 and 11%), advising in particular regional competent authorities in supplying proper services.

(i) Illicit transfer and non-return (See 3–4 UUN CRC National Report, §361)

126. In the Civil Code, in case of the violation of provisions on foster care and abduction of minors (in circumstances of separation, divorce or foster care), there are regulations that repress and punish illicit conducts. In the Criminal Code the offense of abduction does not exist *per se* but is connected with other kinds of offences (i.e. arts. 388, 573, 574). Act No. 94/2009, art. 3, has introduced the offence of 'abduction and reception of the minor abroad'. Act No. 101/2015, art. 7, provides for the Country where the child has his/her ordinary

residence the judiciary competence to decide on parental responsibility, unless the residence is changed.

(j) Measures taken to ensure the protection of children with incarcerated parents and children living in prison with their mothers (see COs, §§55–56)

127. Among the relevant national and local documents there are the following ones:

- The Charter of children of parents in prison;
- The 2015 Guidelines on relationships with families/Tuscany — Office for detainees' treatment;
- The document adopted by the Committee of Experts (Ministerial Decrees 8 May and 9 June 2015) in charge for the drafting of Lines of Action on criminal offences' execution;
- The monitoring activity on children with detained parents carried out by the Ministry of Justice (2014–2015), collecting information on places hosting minors and children aged under 12 visiting their parents in prison;
- The 2011 survey on four countries (Italy, Denmark, Ireland and Poland) linked to the EU project "*When the Innocent are Punished: Children of Imprisoned Parents — a Vulnerable Group*";
- Several regional surveys.

128. Several MoUs between prisons and local/health authorities are in place, involving also associations, to implement project safeguarding parents in prison and their children and providing for early childcare assistance.

7. Disability, basic health and welfare

Government initiatives according to a right-based approach (See COs, §§45–46)

129. By Presidential Decree of 4 October 2013 the Council of Ministers has adopted the Biennial Programme of action for the promotion of the rights and the integration of the people with disabilities (see Annex).

130. The Ministry of Education has determined the allocation of ad hoc funds to Territorial Support Centres for school inclusion of autistic children by Decree No. 435/2015. The same Ministry has signed with the Ministry of Health on 12 April 2015 a MoU "Per la tutela del diritto alla salute, allo studio e all'inclusione", to improve, coordinate and facilitate health and well-being conditions of students and their school inclusion in relation to disability and specific diseases24. Since 2013–2014 each school must draft an annual plan for social inclusion within the 2-years cycle training programming, to be yearly evaluated. Act No. 107/2015 has strengthened the inclusion path for students with disabilities through individualised pathways, also with the contribution of social, health and education assistance services and concerned associations.

131. Act No. 112 of 22 June 2016 has ensured proper assistance for persons with serious disabilities and without family support.

Information and awareness campaigns (See COs, §§45–46)

132. 2010 Awareness raising campaign "Abilità diverse, stessa voglia di vita" promoted by the Department for Equal Opportunities to counter exclusion and discrimination in different sectors (at work, in social life):

- 2016 Awareness raising campaign on the occasion of the 5th National Conference on disability policies, promoted by the MLSP.

Data collection on children with disabilities (See COs, §§45–46)

133. The Ministry of Education collects yearly data submitted by school regional offices in order to monitor the inclusion and reception of children with disabilities (see Annex).

Specialist teachers (See COs, §§45–46)

134. According to data collected by the Ministry of Education in 2015–2016 specialist teachers have increased of 3000 units from the previous year. Act No. 107/2015 demands specific requirements for specialist teachers as well as the elaboration and adoption of indicators for self-assessment and school inclusion evaluation and the definition of criteria for the determination of the condition of disability. Act No. 104/1992, art. 13, defines also the role of the "ad personam" assistant, who works closely to the specialist teacher according to the Individual Educational Plan.

Special assistance to children with disabilities

135. Act No. 104/1992 also identifies interventions and services aiming at the social inclusion. Parents with children with serious disabilities benefit from special work leave.

(a) Survival and development

136. Healthcare assistance is guaranteed to all foreigners, also without residence permit, and in particular to protect pregnancy and maternity, children health, vaccines, prophylaxis, diagnosis and care of infectious diseases. Children with parents without residence permit have the right to paediatric assistance, as stated in the Agreement State-Regions of 20 December 2012 and confirmed in the new LEA.

137. The Report on the Certification for Birth Assistance is periodically released, containing data on still births (last edition 2013). On perinatal mortality in 2016 a pilot project has been approved within the programme of the National centre for the prevention and the control over diseases, to be implemented in 3 Regions with the collaboration of the National Health Institute, in order to validate the feasibility and effectiveness of the system before its extension to the entire national territory.

138. The assistance for newborn babies with fetal and newborn pathologies is ensured in Intensive Care Therapy Units (see Annex).

139. As it concerns the child unexpected death syndrome ad hoc protocols have been adopted by Decree of 7 October 2014 (see Annex).

(b) Health and health services, in particular primary health care (See COs, §48)

140. The Guidelines for the promotion and the improvement of quality, safety and adequacy of assistance in the birth process and for the caesarean section have been adopted on 16 December 2010.

141. Furthermore in 2016 the Guidelines for the promotion and the improvement of quality, safety and adequacy of assistance in the paediatric-adolescent field were adopted (see Annex).

142. The new-born screening for the early diagnosis of hereditary diseases has been carried out on the national territory by Ministerial Decree of 13 October 2016.

143. LIVEAS, as introduced by Prime Minister's Office Decree of 29 November 2001, now under review, identify activities and medical, nursing, rehabilitation and psychological services of the national health system for citizens. It extends these services to women, couples and children with neuro-psychiatric diseases, to be accessible locally, in-house or in residential and semi-residential structures according to children needs and family situations.

144. The inter-ministerial Decree No. 68 of 4 February 2015 has disciplined the reform of healthcare specialization schools. In the above mentioned Guidelines a specific chapter is devoted to the training of health personnel (see Annex).

145. Within the Programme "Guadagnare Salute: rendere facili le scelte salutari" to counter the major risks of chronic diseases (incorrect feeding, physical inactivity, abuse/incorrect alcohol use and cigarettes), by means of a MoU between the Ministries of the Health and Education of 2 April 2015 data collection has been recorded on nutrition, food regimes and healthy styles of children and adolescents, according to several monitoring systems (see Annex).

146. By Act No. 128 of 8 November 2013 and related measures smoking is forbidden in school environments to protect children. The *Carabinieri* Corps monitors periodically the implementation of Act No. 3/2003 to this purpose.

147. The former National Plan of Prevention 2010–2012 already provided for the partnerships with schools to increase the consumption of fruits and vegetables, breast-feeding, improvement and control of the quality of menus at school, facilitation of sport activities. Also the new Plan 2014–2018 underlines the role of schools to cope with risk factors in order to promote awareness and competences for healthy choices (see Annex).

148. Other initiatives have been developed by the Ministry of Health (see Annex).

149. In 2012 the Ministry of Health in collaboration with the Ministry of the Interior and the National Institute for Health, Migration and Poverty has promoted a multi-language awareness raising project addressed to foreign citizens to inform them on healthcare assistance (including children and reproductive health services), available on the Ministry's website.

(c) Efforts to address the most prevalent health challenges, to promote the physical and mental health and well-being of children and to prevent and deal with communicable and non-communicable diseases (See COs, §§51–52)

150. The Agreement State-Regions concerning the diagnosis and the certification for learning disorders has been approved on 25 July 2012, providing for specific process, qualitative criteria for accreditation of entities releasing diagnosis, basic requirements of the certification. According to a further MoU between the Ministries of Education and Health, the latter has been committed to cooperate with Regions and Autonomous Provinces in order to provide an integrated education and health assistance to students with chronic diseases and disabilities. By Ministerial Decree of the Ministry of Education of 17 April 2013 the Guidelines for the elaboration of regional protocols for early identification of learning disorders have been adopted. The Ministry of Health has financed several projects in this context and in collaboration with the National Health Institute and Regions has developed the Guidelines for the promotion and the improvement of quality and adequacy of assistance in development pervasive disorders, specifically concerning autism, approved by the Unified Conference on 22 November 2012. They have been followed by a Survey completed in 2013 to map the phenomenon and related assistance measures to improve the national, regional and local programmes and activities. Moreover an ad hoc project of the Ministry of Health is aimed to establish a National Observatory to monitor the phenomenon and to create a specialized network (see Annex).

151. The National Plan of Action for Mental Health has been approved on 24 January 2013, to be included in the regional programming also aimed to grant preliminary and timely interventions concerning psychological disorders of young people aged between 15 and 21, adequately supported by special teams (see Annex).

Infectious diffusive diseases

152. Infectious diseases are still widely diffused in the paediatric age but proper immunization programmes for newborn babies have progressively contributed to their decrease. All the vaccines are free and there is a planned calendar advising about required age for initial and succeeding administrations, number of recommended dosage, scheduled administrations. The National Plan of Vaccines Prevention 2012–2014 has included references to both new vaccines and LIVEAS, granting their free access (as far as the National Plan 2017–2019, see Annex). Data concerning paediatric HIV are collected by the National Health Institute and then published in its newsletter.

(d) Reproductive health rights of adolescents and measures to promote a healthy lifestyle

153. The Minister of Health has devoted attention over this issue to alert about risks and the long-term impact of infectious factors on the reproductive health. Several leaflets have been published on the Ministry website. In May 2015 the National Plan on Fertility was launched to provide training, to raise awareness, and supply services in order to preserve, prevent and make preliminary diagnosis, dealing with pathological conditions that can threaten it.

154. A national Study on Fertility was financed by the same Ministry. In 2016 a drafting guiding document has been jointly elaborated by the Ministries of Education and Health to be disseminated in schools on these topics.

Measures to prohibit and eliminate all traditional practices, FGM included, and early forced marriage

155. The Ministry of Health allocates to Regions and monitors the use of financial resources for awareness raising campaigns and training professionals according to Act No. 7/2006 on the prevention and prohibition of FGM. The Extraordinary Plan of Action against sexual and gender violence has been approved by Act No. 119/2013, paying attention to this issue.

(e) Measures to protect children from substance abuse (See COs, §§53–54)

156. The National Project 2007–2009 to prevent the abuse of substances from young people was developed by the Ministry of Health to be implemented by Tuscany, addressing young people not aware about this kind of use.

157. The National Plan of Prevention 2014–2018 identifies the adolescents among the most vulnerable against this phenomenon, so that integrated strategies are needed aimed at improving personal capacities and actions through "life skills education" and "peer education" (see Cluster 7b).

Measures in matter of material assistance in the field of nutrition, clothing, housing, to ensure an adequate physical, mental, spiritual, moral and social development and to reduce poverty and inequality (See COs, §§57–58)

158. The 2016 Financial Act has provided for the adoption of a National Plan against poverty and social exclusion. It aims to gradually accomplish LIVEAS at the national level. An ad hoc Fund has been establisned at the MLSP to this scope, where 600 million Euros have been allocated for 2016 and 1 billion Euros from 2017. In the meantime priority actions will be covered by the SIA in favour of families with children, already experimented since 2013 in 12 municipalities with more than 250.000 inhabitants. In 2016 it has been extended over all the territory with an amount of 750 million Euros. Also for the Operational Programme supported by the EU Fund for poor people 789 million Euros have been allocated for 2014–2020, mainly devoted to food purchase and distribution, of school materials to students and the establishment of school lunchrooms in predetermined areas to encourage the students' participation to activities after the school.

Maternal breast-feeding (See COs, §§49–50)

159. In line with activities already carried out by the Multisectoral National Committee for Maternal Breast-feeding (2008), the technical interdisciplinary group for the promotion of breast-feeding has been established by Departmental Decree 12 December 2012 at the Ministry of Health. It is in charge for the protection, promotion and support to breast-feeding and to disseminate the awareness of its relevance (see Annex).

160. As it concerns sharing views among companies to improve the nutritional features (fat salt, satured salt, acid trans and sugars) of food for children aged between 3 and 12, two documents were drawn up in line with EU and WHO lines relating to specific food (confectionery, sweet soft drinks, milk, cheese and ice creams) and correct advertising and labels of food for children.

8. Education, culture and leisure

161. The Italian Constitution guarantees the right to a free compulsory education (art. 34, s- further CRC/C/8/Add.18, §154), independently from the nationality or social and legal conditions of parents. This concerns also foreign minors, regardless of their legal status, on an equal foot with Italian citizens. The educational path lasts for at least 10 years, being compulsory education addressed to minors aged between 6 and 16, and it is aimed at the completion of the secondary high school until 18 years. The national guidelines for vocational orientation, adopted on 19 February 2014, promote a coordination system to prevent and contrast juvenile distress and to favour job access, social inclusion and intercultural dialogue.

162. By Act No. 107/2015 the school reform has been introduced, whose primary goals are to increase the educational level and students' competences to counter social, cultural and territorial inequalities, to prevent and cope with school drop-out, to promote the right to education and equal opportunities on training and vocational education of citizens.

Safety at school (See COs, §61d)

163. The MLSP is in charge for monitoring on safety at school. By agreement of 10 November 2016 a Registrar of School buildings was established to collect detailed information on school buildings, to share it in real time, to interact with other databases, in order to have a comprehensive overview about anti-earthquake systems, collective spaces, general conditions of buildings. In order to guarantee safety of school buildings, since 2014 4 billion Euros have been allocated and more than 20.000 interventions were performed, completed by 40 million Euros in 2015. Moreover a triennial programme in this field was adopted for 2015–2017 with an allocation of 3.7 billion Euros and in 2016 by Ministerial Decree of the Ministry of Education 10 million Euros have been available to access to EIB credit for Regions.

Countering violence and bullying at school (See COs, §61c; Cluster 5a–10d)

164. The National Plan to counter bullying and cyber-bullying at school 2016–2017 has allocated 2 billion Euros for interventions (see Annex).

(a) Right to education, training and professional orientation

Countering drop-out and improving education quality (See COs, §59a–61a–61b)

165. In Italy the drop-out rate fell from 22.9% in 2004 to 17% in 2013.

166. In line with previous results36 several interventions have been planned within the two EU 2007–2013 Operational Programmes on Education in order to improve the quality of the education system in schools of Calabria, Campania, Apulia and Sicily Regions, working on human resources, expanded competences of adults and young people, school accessibility and attractiveness.

167. The Ministry of Education has carried out actions in primary and secondary schools, investing 271 million Euros since 2007 for the implementation of more than 5.700 projects and involving 445.000 students and 95.000 parents. In order to lower drop-outs, wider and more in-depth training opportunities were offered and training improvement was promoted for each student, also by assisting families with school services and enhancing basic skills. In 2012 the Ministry has also carried out innovative actions in areas at risk of social and cultural exclusion. In implementing the above mentioned Programmes, it has managed specific intervention in this field.

168. Within the 2012–2014 Operational Programme the initiative "La scuola al centro" has been launched to open schools in the afternoon (72.4% over the 8.281 schools on the national territory), starting from a pilot phase involving four schools in Milan, Rome, Naples and Palermo and extending the implementation to all Italian schools from 2016–2017 school year.

169. Another measure, provided for by the agreement concerning workers in school 2007–2009, concerns the availability of financial resources to be used for interventions in areas at risk, being exposed to migratory flows: the goal is to offer school and extra-school learning/orientation through non-traditional teaching methods (through workshops, the use of technologies and tutors methodologies) implementing aggregation, leisure, motivational, orientation, families' awareness raising and teachers' training activities. Among other measures we could mention: Law Decree No. 104/2013, converted into Act No. 128/2013, for interventions in economically-disadvantaged territories with an high drop-out ratio; the project "Crescere in coesione" in the four above mentioned Regions by involving 26 schools in disadvantaged areas and involved in the inclusion of Roma pupils (200.000 Euros); the project "Dirigere la scuola in contesti multiculturali", addressed to school personnel managing foreign students integration (400.000 Euros). Several public notices were published to finance interventions in schools through the ad hoc fund (allocation of 368 million Euros for 2016–2017 school year).

School inclusion of migrant students (See COs, §61f)

170. The drop-out of migrant students is double compared to that of Italian students (34.7%, 23% in EU). The need for special short-term special learning courses (i.e. for the language) is respectful of the principle of foreign students' inclusion (please refer to 3–4 UN CRC National Report, §563) and was reiterated in Act No. 107/2015, that further encompasses the values of intercultural education, peace, respect for differences and intercultural dialogue and which mandates to schools to adopt specific curricula of Italian literacy and Italian language courses (including creating facilities). Additional actions include: reception, linguistic and psychological assistance for unaccompanied minors (school year 2015–2016); awareness raising projects on asylum seekers; and 2016 project "La scuola al centro". In addition other measures have been adopted (see Annex).

Roma, Sinti and Caminanti student's inclusion at school (See COs, §61f)

171. In 2014–2015 Roma, Sinti and Caminanti students increased (to 12.437), mainly in nurseries and junior high schools. Several actions have been carried out in this field:

- 2016 project "La scuola al centro" in the main Municipalities (Rome, Milan, Naples and Palermo);
- Collaboration with the MLSP for the national project for the inclusion and integration of Roma, Sinti and Caminanti children (see Cluster 9b).

Inclusion of students with disabilities at school (See COs, §46; Cluster 7)

172. The main measures adopted in this field are the following:

- 2009 Guidelines on school integration of students with disabilities, in line with ICRPD principles and providing for the adoption of the ICF language;
- Specific educational assistance for students with learning difficulties, according to Act No. 170/2010, and completed by Ministerial Decree No. 5669 of 12 July 2011, "Guidelines on the right to education for students with specific learning disorders"; State-Regions Agreement of 25 July 2012 on diagnosis and certification of specific learning disorders; Interministerial Decree adopting guidelines to draft regional protocols aimed at identifying preliminarily specific learning disorders;
- Inclusion by Directive of 27 December 2012 of the concept of Special Educational Needs, in relation to ICF;
- Definition of criteria for the composition of classes including students with disabilities and for the availability of ad hoc teachers apart from fixed maximum standards, according to a '1 teacher for 2 students' ratio;
- Norms concerning the basic documents/certifications for school registration of students with disabilities;
- Equality of validation for final exams and release of diploma;

- Ad hoc training for teachers supporting students with disabilities (see Cluster 7);
- National logistic and learning standards to be adopted in the definition of school curricula for students with disabilities;
- Special handbooks and materials (i.e. Braille texts or with big characters for visually impaired students), also in digital form;
- Access to training and learning materials, as provided for in Ministerial Decree of 30 April 2008;
- Guidelines of 11 April 2013 concerning school buildings to facilitate access to students with disabilities.

173. The above mentioned activities and projects carried out by the Ministry of Education have been explained in the Presidential Decree of 4 October 2013 adopting the biennial Programme of Action for the promotion of rights and the inclusion of persons with disabilities, in line with 2020 EU Strategy on disability and the ICRPD. It provides for training of teachers and operators, implementation of school projects financed by Act No. 440/1997, learning process quality and development of students' skills, reinforcement and qualification of learning offer; Territorial Support Centres, to be developed as a permanent network to collect and share knowledge and resources through the new technologies; and a Pilot Desk on autism, launched in 2014–2015.

174. The inclusion of pupils with disabilities is also promoted in nurseries (please refer to GC No. 7 2005) and in relation to the chance for pupils with disabilities to take part to school trips (see GC No. 17 2013). The legislation further refers to access to school buildings, use of technologies, learning methodologies and pedagogic priorities under the competence of local authorities and schools (i.e. personal/individual learning; personal teaching offer). (see Annex).

Professional training (See COs. §61e)

175. In recent times professional/job training provided for in Act No. 107/2015 as well as the apprenticeship to achieve the secondary school diploma introduced by Legislative Decree No. 81 of 15 June 2015 have been carried out, also in relation to Act No. 128/2013, aimed to strengthen the link between schools and job opportunities. The above mentioned Act No. 107/2015 disciplines the duty to compel school and job opportunities for students attending the last year of senior high schools, ad hoc funds to implement these provisions and the establishment of a national Registrar of partner companies. The Ministry of Education signed in August 2016 a Protocol with *Confcooperative* to this purpose to define school-job paths (internships included), to countering drop-out, to push for self-business opportunities, to promote cultural and sport activities in schools. The reform of professional schools and their learning offer is under discussion (draft Legislative Decree), while the apprenticeship review has been completed by Legislative Decree No. 81 of 15 June 2015, addressed to students aged 15–25 years, providing for the signing of ad hoc protocols between schools and companies.

(b) Education targets and quality of education

176. The above mentioned Act No. 107/2015 has to be implemented through the adoption of further legislative measures on issues (see Cluster 8a and Annex).

(c) Cultural rights concerning children pertaining to minorities (See Clusters 3a–9b)

177. Bill No. 3541/2016 provides for a special protection of the linguistic and cultural heritage of Roma and Sinti Communities and aims at promoting their oral traditions, children participation to cultural activities and religious practices, children use of their language, dissemination of culture, language, history, music, literature of Roma and Sinti Communities.

(d) Human Rights education and civic education

178. The Ministry of Education and *Cittadinanzattiva* signed in 2015 a MoU aimed at promoting a culture of legality, security, well-being and citizenship in Italian schools

through laboratories and activities involving families and local stakeholders. Actions are financed by the ad hoc funds provided for by the Ministry (Decree of 1 September 2016) on matters such as road safety, nutrition and dietary requirements, active citizenship and legality, social innovation projects, initiatives related to the National Day for safety at school (see Cluster also 3, 1g) and Annex).

(e) Rest, play, leisure time, cultural and artistic activities (See UN CRC National Report, §§610–621)

179. In the database created by Act No. 285/1997 several initiatives are reported involving children and adolescents in projects on the use of play as a tool to promote creativity and socialization, to counter young uneasiness, school drop-out, bullying, to encourage social inclusion of children in economic restraints, to advance active citizenship and legality, and to develop good practices of social inclusion.

180. The Ministry of Education and the National Italian Olympic Committee (CONI) signed in 2016 a new MoU "School and sport" that, through the promotion of sport activities at school, aims to correct healthy lifestyles, to counter drop-out, violence and bullying, and advancing a legality culture. At the local level the use of public spaces is promoted to favour play and recreational initiatives, recorded in an ad hoc Registrar concerning social intervention and services (see Annex).

9. Special protection measures

(a) Minors in migratory contexts (see COs, §62)

181. The Italian Government has constantly managed the serious inflow of migrants — adults and accompanied/unaccompanied minors (thereinafter AMs/UAMs), seeking for asylum or better economic conditions. This is a competence of the Ministry of the Interior and Labour and Social Policies.

Asylum seekers and refugee minors (See COs, §§63–64–65)

182. The National Commission for the right to asylum has adopted the Circular No. 5708 of 26 November 2015 concerning personal data/age assessment, recognition of international protection status and release of the residence permit. Foreign minors could be expelled only for public order and security reasons but this measure has never been applied. Furthermore there are not been repatriation cases concerning minors. Asylum is disciplined by the Unified Text on Immigration and Legislative Decrees implementing European Directives. Migrant minors are hosted in ad hoc shelters with very rare exceptions to this rule. In relation to the request for international protection, the police forces in charge for identification procedures are supported by cultural mediators and interpreters. Data collection concerning UAMs is managed by the Directorate General for immigration and inclusion policies (herein after DG Immigrazione) of the MLSP.

Unaccompanied minors (See COs, §§66–67)

183. The aforementioned data collection has been established according to Legislative Decree No. 142/2015 (art. 19) and Prime Minister's Decree No. 535/1999, and personal data protection of concerned foreign minors is guaranteed. A monthly report is released containing information per gender, age, nationality and reception placement, missing UAMs; furthermore a periodic 4 monthly monitoring report contains information on the legislative framework, UAMs territorial distribution, UAMs seeking for international protection, reception structures, release of residence permits, family conditions and assisted voluntary repatriation, financial resources. As far as AMs/UAMs requests for asylum, they are under monthly monitoring of the Ministry of the Interior. Minors with international protection status are assisted by the SPRAR system.

184. The reception procedure is under the mandate of police forces: they immediately inform the competent judicial authority for the appointment of a tutor as well as the General Prosecutor. The latter will ask to file the case to the competent juvenile court and to the DG Immigrazione to confirm assistance measures. This procedure is also carried out for UAMs landing on the Italian coasts who are assigned by Prefectures to local authorities. As it

concerns adolescents who turn 18 who are not self-autonomous and who do not satisfy the requirements for obtaining a residence permit, their status can be extended. In relation to UAMs in conflict with the law, the juvenile judges submit the information directly to the attention of tutelary judge during preliminary investigations; for UAMs put under custody or arrest the information is submitted by the competent judge to the juvenile judge to facilitate the intervention of the tutelary judge. In case of positive outcome, also by request of the defendant, the Juvenile Prosecutor could transmit the file to the competent *Questura* calling for the issue of the residence permit.

185. At present the Italian Parliament adopted on 29 March 2017 Act No. 33 providing for a new comprehensive legislation for AMs/UAMs.

186. An ad hoc Protocol for age assessment through holistic and multidisciplinary methods has been adopted by the Conference of Regions and Autonomous Provinces on 3 March 2016 and provides for the presumption of minor age in case of doubt. The Prime Minister's Decree No. 234/2016 has entered into force on 6 January 2017 to rule on age assessment of UAMs as victims of trafficking. Several local multi-disciplinary protocols on age assessment of UAMs are in force (i.e. Naples, Palermo and Turin). More in general new procedural standards have been set up:

- The harmonization of UAMs, seeking or not for international protection, reception measures within the SPRAR system;
- The creation of the National Fund for UAMs reception (FAMI, implementing EU Regulations No. 514/2014 and 516/2014);
- The approval of the national plan on the management of migratory flows of migrants, families and UAMs, leading to the adoption of the Circular of the Ministry of the Interior of 25 July 2014 aimed at creating ad hoc reception shelters for UAMs, to facilitate identification, age assessment and status, possible family reunification, and UAMs inclusion in the SPRAR system. It provides also for the establishment of temporary reception shelters authorized by Regions and in collaboration with Prefectures and local authorities, and for the enlargement of SPRAR system/local shelters (up to 25%) accommodation. Legislative Decree No. 142/2015, transposing EU Directives 2013/33/EU and 2013/32/EU, provides for standard procedures for releasing the international protection status, articulated along three levels. The MLSP is in charge for this activity, in collaboration with IOM since 2008 for family tracing & assessment operations, very useful for local authorities to determine the reception and assistance measures and to evaluate the voluntary assisted repatriation option. The Ministry has also the competence to authorize the assisted voluntary repatriation according to the expressed consent of the UAM, of the guardian or legal assistant, the authorization of the competent juvenile judge. From 2011 to 2015 36 authorizations were released;
- 4th PAI explicitly refers to UAMs to encourage their inclusion and to improve the reception system;
- The MLSP has promoted national interventions to support gradual social and labour inclusion of UAMs, i.e. through the Welcome Kit, a passport of rights giving them basic information, created by the participation of UAMs hosted in a centre under the coordination of NACA (see Annex).

Minors belonging to migrant families (See COs, §§68–69)

187. In Italy Act No. 94 of 15 July 2009 — in regards to the criminal offense of illegal entry and residence in the territory of the Italian State — does not apply to minors aged between 14–18 entering illegally on the national territory. At present the Government is working for the de-criminalization of crimes (according to Act No. 67/2014 and EU Directive No. 115/2008 on repatriations). As far as the school inclusion of migrant students, see Cluster 8a. In relation to healthcare assistance, the State-Regions-Autonomous Provinces Agreement of 20 December 2012, as implemented at the regional level, and the contents of the 4th PAI provide for equal assistance for foreigners and Italian citizens. The release of the residence permit for health reasons to foreigners with children is granted,

beyond emergency or exceptional conditions (Corte di Cassazione, Judgment No. 21799/2010).

Solidarity exchanges

188. Italy has promoted since long time solidarity exchanges to host children and adolescents following the Chernobyl accident. A decreased number of young people was recorded (from 13.095 in 2013 to 10.019 in 2016, — 23%).

(b) Children belonging to a minority or an indigenous group (See COs, §§79–80)

189. Italy has adopted in 2012 the National Strategy for the inclusion of Roma, Sinti and Caminanti Communities (RSC) 2012–2020, implementing the EU Commission Communication No. 173/2011 (please refer to HRI/CORE/ITA/2016, §§209, 274–275), that goes beyond the emergency to facilitate their equality, economic and social inclusion, the improvement of their living conditions, the self-responsibility and the participation and enjoyment of citizenship rights along the lines of its four axis (housing, health, labour, education).

190. Through an integrated approach, based on consultation and involvement of all concerned stakeholders, the four key actions have been introduced: to increase the capacity building of institutions and civil society for RSC inclusion; to promote a permanent integrated system of networks and territorial centres against discriminations; to plan an integrated information, communication and mediation strategy to counter prejudices and stereotypes; to elaborate and implement a participatory model of RSC into decision-making national and local processes.

191. As it concerns education the goal of the Strategy is to increase educational opportunities quantitatively and qualitatively as well as the number of RSC students attending schools (please refer also to CERD/C/ITA/CO/15 2008). According to the last 2015 survey on RCS students of the Ministry of Education, in collaboration with ISMU, the total number for 2014–2015 school year amounts to 12.437, detailed as follows: 2.179 pupils in nurseries; 6.441 in primary schools; 3.569 in secondary school — first level; 248 in secondary school — second level. In relation to healthcare assistance the Strategy refers to the gender component, so that several materials have been produced addressed to RSC girls and adolescents on school drop-out and early marriages (see Cluster 5b and Annex). In May 2015 the Plan of Action on Health was adopted (see Annex), providing for a new framework of action. References to the matter are also contained in the 4th PAI (targets 3.1 and 3.2).

192. More in general financial resources have been allocated for the promotion and protection of RCS rights: almost 20 million Euros (please refer to HRI/CORE/ITA/2016, §233) and several projects have been implemented by the Italian Government and UNAR (please refer also to CERD/C/ITA/CO/15). In 2017 two pilot surveys were completed over the RSC camps at the national level and a general census in four Municipalities (see Annex). Other projects have been carried out in this field: COMINROM to counter discrimination and to train professionals working with RSC; Diversity on the Job, to encourage the social and job opportunities of RSC; TroVARSI, concerning vaccines for RSC children; ROMED2 and ROMACT to facilitate the local inclusion of RSC; DOSTA campaign and ACCEDER project to facilitate the access to labour for RSC women and young people in Southern Italy; the project of RSC children inclusion and integration at school (see Annex).

193. In relation to RSC within the linguistic minorities framework several bills are under discussion at the Parliament concerning a specific protection of RSC linguistic and cultural heritage, the extension of the Remembrance Day also to RSC (please refer to HRI/CORE/ITA/2016, §§250, 260–280), the ratification of the European Chart of regional or minority languages (covered by Act No. 482/1999).

(c) Children in street situations (See Cluster 9d-v, 10)

194. In suburban areas of several Northern, Central and Southern Italy Municipalities there are Italian, foreign and RSC children victims of sexual exploitation and prostitution: Act No. 285/1997 provides for countering actions to deal with this phenomenon, to prevent and to recovery in collaboration with associations and local services.

(d) Children in situations of exploitation, including measures for their physical and psychological recovery and social reintegration (on sexual exploitation/abuse and sale trafficking abduction see Cluster 10)

(i) Economic exploitation, including child labour (art. 32), with specific reference to applicable minimum ages (please refer to 3–4 UN CRC National Report, §§665–763)

195. Legislative Decree No. 109/2012, transposing Directive 2009/52/EU, provides for sanctions in respect to employers when they've employed non EU workers illegally, in particular minors, if convicted in the last 5 years for encouraging illegal migration or for recruiting individuals — minors included — for prostitution (art. 1§5 bis), and disposing for the detention from 6 months to 3 years and with a fine of 5.000 Euros per each worker employed illegally (art. 1§12 bis). Also Act No. 199 of 29 October 2016, art. 1, has confirmed that art. 603 bis of the Criminal Code applies introducing aggravating circumstances, i.e. the penalty from 1/3 to half if the worker employed is under 18. In 4th PAI the goal to counter school drop-out for children at risk is linked with the fight against their labour exploitation. According to art. 43 of Legislative Decree No. 81/2015 adolescents aged 15 could be employed to do apprenticeship, encouraging a learning "on the job". For a comprehensive overview about child labour a survey carried out by Bruno Trentin Foundation and Save the Children Italy has been recently published: child labour concerns 260.000 children under 16 (5.2% for the age between 7–15 years).

(ii) Use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances

196. Art. 73 of the Presidential Decree No. 309/1990 establishes that minors aged above 14 could be retained as responsible for the participation in producing and trafficking drugs. For minors under 14 recovery measures would be provided for; for minors above 14 the competent juvenile court should investigate over the direct/indirect responsibility and, again, provided for recovery measures. As it is the case of a minor implicated in trafficking of drugs, the offender will respond for such behavior as aggravating circumstance, with penalties from 1/3 to half depending on the direct transfer of drugs to the minor, on the final destination of drugs to minors, for inducing or controlling the minor in committing the crime. The issue is contained in 4th PAI.

(iii) Other forms of exploitation

197. As far as begging by Act No. 94/ 2009 it has been included among criminal offences (art. 600 octies of the Criminal Code), being necessary the relationship between the offender and the victim. Some figures are reported in the last Report of the Ministry of the Interior for 2015 about drugs trafficking. In the same year minors reported to the judicial authority were 1.125 (+ 6.33% in comparison with 2014). Between 2016 and 2017 a survey was carried out in Naples. A proper action has been carried out against cyber-traffickers.

(e) Children in conflict with the law, as witnesses and victims of crimes (See COs, §§76–77–78)

(i) Reform of the juvenile justice system and age limit for involvement in judicial proceedings

198. Law Decree No. 92/2014, converted into Act No. 117/2014, has extended judicial criminal services to young 'adults' aged up to 25 years, having committed crimes where they were under 18. The Prime Minister Decree No. 84/2015, completed by Decree of 17 November 2015, has reformed the juvenile justice system where the new competent Department denomination is "Department for Juvenile Justice and of Communities", so far extending its competences out of juvenile criminal institutes and reorganizing its mandate at the central and territorial level.

199. At present a bill (No. 1352) is under discussion at the Parliament for a comprehensive reform of the juvenile justice system and measures limiting the personal freedom of minors, as well as penalties and sanctions for offenders aged under 18.

200. For Juvenile Criminal Institutes there is not a pre-fixed quantitative limitation, but it is provided for by internal rules. In relation to the staff, the primary role is assumed by social and educational services, in connection with territorial services. Furthermore the role

of penitentiary police is relevant, appropriately trained to exercise its mandate. Adequate socialization measures to counter isolation of minors is a key principle.

201. Another bill (No. 2284) under discussion at the Parliament concerns the reform of civil proceedings, including the establishment of ad hoc courts for family and personal issues in all Prosecutors' offices and ordinary courts at different levels.

202. At present there are no data concerning foreign and RSC children in the juvenile justice system (as far as the establishment of a monitoring mechanisms to visit places where minors are hosted, see CRC/C/ITA/Q/3-4, §§172, 174). Conversely there are many foreign minors in residential structures (mainly coming from Morocco, Romania, Albania, former Yugoslavia; see Clusters 10 and 3d) and Annex).

(ii) Minors deprived of personal liberty and measures of custody, arrest, detention as last and timely option, legal assistance

203. The rights of defense — and legal free aid — of adults and minors are compulsory within the criminal proceedings (arts. 97 and 386 of the Criminal Procedural Code). The majority of minors as offenders are in charge of the Ministry of Justices Offices and benefit from alternative measures to detention in respect of Juvenile Criminal Institutes. Data collection is going to be completed, with reference to the conclusion of individual care assistance. A central role is attributed to the General Juvenile Prosecutor for civil and criminal proceedings, whose aim is to reduce the case law up to 50%, thanks to the high professional specializations of public prosecutors and police officers who work with the Juvenile Prosecutor.

(iii) Reports involving minors and detentions status, with reference to alternative and restorative measures

204. A high percentage of cases of suspended proceedings providing for procedural probation have been recorded: from 2.534 in 2008 to 3.340 in 2013, including social activities and psychological support in favour of concerned minors. As far as reports involving minors to the attention of Juvenile Prosecutors, they decreased from 20.856 in 2010 to 20.487 in 2013, in line with minors in First Reception Centres and Juvenile Criminal Institutes (from 3.505 in 2006 to 1.438 in 2015, and from 1.362 in 2006 to 1.068 in 2015 respectively).

(iv) Physical and psychological assistance and social reintegration

205. In Italy there are 24 Centres where minors under custody, arrest or waiting for the hearing to validate the detention (within 96 hours) are placed. These centres are located at the juvenile justice offices and the personnel is composed of social professionals, health operators and psychologists to collect information on each situation to be submitted to the competent judge for the adoption of appropriate measures. The same professionals work in the Juvenile Criminal Institutes. Collaboration is encouraged with local social services to facilitate minors' social reintegration, in particular within the procedural probation and the classical probation.

(v) Training for juvenile justice operators

206. For each category of professionals working in the juvenile justice system ad hoc training is provided for by the Ministry of Justice (please refer to 3–4 UN CRC National Report, §§651–664). The *Scuola Superiore della Magistratura* (*Magistrature School*) periodically organizes training addressed to magistrates on juvenile criminal justices according to a multidisciplinary approach (See COs, §§77–78).

(f) Minors involved in armed conflict and physical and psychological recovery (See Cluster 11)

207. Italy is member of the UN WG of the Security Council working on this matter since 2007–2008. Italian contribution supported the issue of children involved in armed conflict, carried out by the competent SG SR, taking part to periodic debates and initiatives — also at the EU level — and promoting cooperation activities to prevent, protect and reintegrate child soldiers and children victims of conflicts. In 2008 Italy has supported the realization

of a photo exhibition titled "Children of War: Broken Childhood" at the UN premises. In 2009 Italy hosted an international conference on the issue of children victims of conflicts.

208. Italy gave its financial contribution (100.000 $) for the implementation of the 2010–2014 DPKO Training Programme for civil and military personnel employed in peace operations, by defining a training standard for children protection. Italy has also financially supported projects involving children in conflict areas.

10. Follow-up of the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography (See COs, §§73–75)

(a) Implementation of concluding observations

Legislation and elaboration of the notion of child pornography (See COs, §75a)

209. By Act No. 172/2012 — Ratification of the Convention of the Council of Europe for the protection of children from abuse and sexual exploitation, relevant amendments have been introduced in the Italian criminal legislation expanding the notion of child pornography (each representation, by any means, of a child under 18 involved in explicit real or simulated sexual activities, or each representation of sexual organs of a children under 18 for sexual purposes) and including also virtual images (see Cluster 10 c), footnotes on arts. 600 ter, quater, quater 1 of the Criminal Code).

Drafting and implementation of a national strategy to prevent abuse and sexual exploitation (see COs, §75b)

210. The National Plan for prevent and contrast child abuse and sexual exploitation 2015–2017, elaborated by the Observatory to counter child pedophilia and pornography in collaboration with the Department for Equal Opportunities is the key strategic document in this field to act in four main areas: prevention, victims' protection, countering crimes, monitoring.

Identification and protection of victims (see COs, §75c)

211. The Plan provides for specific action for the identification and protection of victims, also through ad hoc training of operators. As far as data collection the creation of ad hoc databases of pedo-pornographic materials is planned, sharing information with Interpol Secretariat, and of those convicted for sexual offences. Italy also participates to the EU/Minister of the Interior project launched in 2010 for the development of a methodology to identify and support children as victims of sexual exploitation for the production of paedo-pornographic images, organizing training workshops at the national level and publishing a Handbook for operators.

Observatory to counter child pedophilia and pornography and monitoring database of crimes (see COs, §75d–e)

212. As anticipated the Department for Equal Opportunities at the Presidency of the Council of Ministers has the competence on this matter through the aforementioned Observatory, established by Act No. 269/1998 and newly composed by Ministerial Decree of 30 August 201659 to implement the Plan of Action by the work of four thematic technical tables and a Coordination Committee (please refer to CRC/C/ITA/Q/ITA/Q/3-4, §§ 164–169; as it regards the database see Cluster 5b).

(b) New legislative and political measures (in particular the criminal definition of the offence and the territorial/extra-territorial application)

213. Several amendments have been introduced in the domestic legislation to include new offences, to increase penalties, to adopt aggravating circumstances, to introduce new procedural means to protect minors. Other regulations have concerned related cases such as domestic violence, trafficking and all forms of violence against children (see Annex).

214. The first National Plan against trafficking and serious exploitation was approved on 26 February 2016, providing for several measures to enhance the protection of all victims, children and unaccompanied children included (see Annex).

215. As far as the extra-territorial application of norms relating to the Optional Protocol, Act No. 172/2012 amends art. 604 of the Criminal Code including adequate sanctions for Italian citizens acting as offenders and committing abroad all the crimes contained therein, being victims when the act is committed by an Italian or foreign citizen.

(c) Measures to ascribe responsibility for crimes provided for in the Optional Protocol

216. These measures are provided for in the Criminal Code (from art. 600 to art. 603-bis, art. 609 undecies, art. 414 bis, art. 416). The legislation sanctions not only the commission of crime but also the attempt to commit it, and provides for aggravating penalties when the offence is committed by more than one person, included legal entities.

(d) Measures to prevent and promote the consciousness about negative impact of crimes provided for in the Optional Protocol

217. Please refer to actions scheduled in the Plan of Action 2015–2017; the Department for Equal Opportunities has also trained targeted personnel. There are several actions to be implemented by concerned associations, also including the drafting of ethical codes and protection systems to prevent abuse and exploitation from personnel and operators working with children.

218. Along these lines the Ministries of the Interior and of Defense, through Police Forces and *Carabinieri* Corps, release periodic awareness raising and prevention activities at school for a correct and conscious use of Internet, bullying and cyber-bullying, abuse and sexual exploitation.

219. As already reported in Cluster 5, teachers and students are involved in activities such as: peer to peer education on prevention of gender violence and discrimination; promotion of life skills; sexual education. These activities are aimed to develop teachers' skills to identify and address abuses and ill-treatment.

220. As it concerns information and awareness raising activities concerning trafficking three campaigns have been conducted in connection with EU projects.

(e) Measures to supply for physical and psychological assistance and social reintegration of children as victims of abuse and to ensure their access to compensation procedures

221. As far as national initiatives to assist children as victims of ill-treatment, abuse and sexual exploitation, in September 2011 a Public Notice was published by the Department for Equal Opportunities (see Cluster 5e). Also they are included in the Plan of Action 2015–2017 (see Annex). At the local level Municipalities and Local Health Units supply for basic assistance services and, with the collaboration of association and the availability of public or EU resources, for specific projects. Further local legislative measures have also provided for strengthening services networks, for the establishment of specific social and health support units, for drafting of guidelines and procedural features.

222. In relation to the reintegration of trafficked victims, until 2016 there were two paths, according to art. 18 of Legislative Decree No. 286/1998 and art. 13 of Act No. 228/2003, that have assisted 1.171 and 208 children, from 2000 to 2012 and from 2006 to 2012 respectively. By Decree of the Presidency of the Council of Ministers of 16 May 2016 the Programme for emersion, assistance and social inclusion was launched, covering both emergency and long-term actions.

223. Legislative Decree No. 24/2014 has provided for victims — both adults and children — compensation. Since 2011 data collection on trafficking is managed within the agreement for the anti-trafficking tool number by entities giving assistance and social protection to trafficked victims. Also the EU Commission AGIRE Project, involving Austria, Greece, Italy and Romania has reinforced the public-private partnership to identify and assist children as victims or potential victims of trafficking and serious exploitation in Europe according to standard procedures adopted in 2010.

(f) Measures to protect children as victims of abuse or witnesses of crimes in all criminal proceedings

224. Besides the aforementioned legislative amendments the Legislative Decree No. 212 of 15 December 2015, transposing Directive 2012/29/EU to implement basic norms in

matter of rights, assistance and protection of victims of crimes is worth of mentioning (see Annex).

225. For other measures, such as Public Notices of the Department for Equal Opportunities to reinforce Centres to counter violence and give assistance to women, see Cluster 5 a. Also the issue is included in the Plan of Action 2015–2017. Further measures are the toll free number 114 and other helplines (see Cluster 5 f), as well as the Italian Child Abduction Alert System Project (ICAAS), financed by EU and implemented by several institutional stakeholders.

(g) Initiatives to promote international cooperation and coordination concerning the prevention, identification, investigation, allegation and penalties of crimes, in collaboration with national authorities, IOs, NGOs

226. The Department for Equal Opportunities is involved in several European and international initiatives, as well as the Ministry of Foreign Affairs and International Cooperation, i.e. the adoption in 2012 of the new Guidelines for Children including a specific section on countering child sexual exploitation and the promotion of policies and programmes at the national and international level to contrast every form of violence against children. Also the Ministry of the Interior has developed various activities to facilitate the exchange of information with Interpol, S.I.R.e.N.E. and Europol and the Postal Police takes part to different international initiatives and projects (see Annex).

(h) Measures to support international cooperation assistance for physical and psychological recovery, social reintegration and repatriation of victims according to the Optional Protocol — technical bilateral assistance included*; and support to IOs and international agencies

227. The Italian Development Cooperation support anti-trafficking projects by financing IOs interventions and targeted actions, directly or through IOs and NGOs, to prevent and contrast child trafficking, abuse and exploitation, including sexual tourism, involvement in armed conflicts, child labour. The Italian Ministry of Foreign Affairs and International Cooperation is fully committed to implement and encourage the adhesion to the CoE Lanzarote Convention, in synergy with institutions, IOs and NGOs (see Annex).

11. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (See COs, §§70–72)

(a) The implementation of the recommendations in the Committee's previous concluding observations under the Optional Protocol

Explicit persecution, according to national legislation, of recruitment and use of individuals aged under 15 years by forces and armed groups

228. Assumed that recruitment in armed forces of minors aged 15 is a war crime according to art. 8 of ICC Statute, ratified by Italy with Act No. 232/1999, the national legislation establishes:

- That 18 years are the minimum age for recruitment in armed forces (see Clusters b–c);
- Reminds to criminal legislation in force (please refer to UN CRC National Report, §§953–965).

Inclusion in the legislation of the concept of "direct participation in hostilities" for individuals aged under 18

229. The Italian legislation explicitly prohibits the participation of minors in hostilities, also for the two exceptions requiring the adulthood for voluntary recruitment (Legislative Decree No. 66/2010 — Code of Military Rules/CMR, art. 635) (see Cluster c).

Lack of specific courses on human rights, the UN CRC and Optional Protocols in programmes of military schools

230. Training courses of military schools are provided for in compliance with programmes of the Ministry of Education, excluding any reference to humanitarian law. Several complementary workshops are organized: just to mention an example the 'Human Rights Ambassador' project is in place, under the co-partnership of the Humanitarian Society, the International League for Human Rights and the Italian Society for International Organization, addressed to students of the last year to promote awareness on human rights.

Inclusion of the prohibition and the criminal prosecution for the sale of small and light weapons to Countries where children are involved in armed conflicts

231. To complete the information provided for in 3–4 UN CRC National Report (§§975–976), Act No. 185/1990 on the control over the export of military and common weapons was amended by means of Legislative Decree No. 105/2012.

Information on rehabilitation and social reintegration of minor victims of crimes according to the Optional Protocol

232. Please refer to (g).

Amendments to the declaration to the Optional Protocol concerning minimum age for the recruitment, in compliance with national legislation establishing this requirement at 18 years

233. Please refer to (c).

Amendments to the Criminal Code to prohibit and prosecute explicitly the recruitment and use of individuals aged under 15 years by forces and armed groups

234. Please refer to (c).

Amendments to the Criminal Code to prohibit and prosecute, according to national legislation, the sale of small and light weapons to countries where children are involved in armed conflicts

235. Please see above.

Inclusion of recruitment/use of minors in armed conflicts as requirement to release the refugee status according to national legislation

236. In the implementation of Legislative Decree No. 251/2007 (Attuazione della direttiva 2004/83/CE recante norme minime sull'attribuzione, a cittadini di Paesi terzi o apolidi, della qualifica del rifugiato o di persona altrimenti bisognosa di protezione internazionale, nonché norme minime sul contenuto della protezione riconosciuta), as amended by Legislative Decree No. 18/2014, the best interest of the child is adequately considered.

Ratification of the Convention on cluster bombs

237. Italy ratified the Convention on cluster bombs on 21 December 2011. The discipline is provided for in Act No. 95/2011, whose provisions concern criminal and administrative sanctions and introduce the ban for financing the production, use, reparation, promotion, sale, distribution, import, export, storing and transport of anti-personal mines, cluster bombs and sub-munitions. Moreover Italy has completed the destruction of its cluster bombs in 2015.

Norms to adapt the ICC Statute

238. According to Act No. 237 of 20 December 2012 a duty to cooperate is established, the Ministry of Justice being in charge to carry out relationships with the ICC, eventually in coordination with other concerned Ministries (art. 2). The Ministry of Foreign Affairs and

International Cooperation has reviewed in 2012 the Guidelines on Minors, contemplating some targeted initiatives concerning the recovery and reintegration of children soldiers.

(b) The minimum age for military conscription

239. Assumed that the military conscription has been suspended since 1 January 2016, in any case the minimum requirement to be eventually conscripted is the age of 18 (arts 1928, 1953 CMR).

(c) The minimum age for voluntary enlistment

240. The minimum age for voluntary enlistment is the age of 18 (art. 635 CMR), assumed that:

- The admission to military schools requires the age of 15 (art. 711 CMR);
- The possibility to submit application for the admission to military schools requires the age of 17, with parental responsibility. In both cases, however, the legislation does not allow the use of minors in armed conflicts:
  - In the first case (art. 788 CMR), the students:
    1. Are voluntary enlisted for 3 years, to complete their course of studies;
    2. Cannot be used in operational activities;
    3. Can withdraw the school at any time, being de-enlisted;
  - In the second case, the use cannot be held before the completion of studies — 2 years for marshals/inspectors (arts. 760–765) and 5 years for officials, so that their age will be for sure over 18 years. For the initial career again the age requirement is 18 years. This legislative background is in compliance with UN CRC and its Optional Protocol.

(d) Any major developments concerning legal and policy measures taken towards the implementation of the Optional Protocol

241. Please refer to (a).

(e) Whether children have directly taken part in hostilities

242. Please refer to (b) and (c).

(f) Measures taken to provide for the physical and psychological recovery of children who have been recruited or used in hostilities

243. Act No. 198/2015 is worth of mentioning, providing for the allocation of 38,5 million Euros for the period October–December 2015 to improve the conditions of peoples and refugees and to peace building in several Countries (Afghanistan, Ethiopia, Central African Republic, Iraq, Libya, Mali, Niger, etc.), with a focus on children rights. The same approach has been granted by Act No. 131/2016 for interventions from 1 January to 31 December 2016 in participating to international operations.

(g) Screening and assistance of child asylum seekers and migrants

244. Following the incremental arrivals by sea in 2014 and 2015, including unaccompanied minors, the Ministry of the Interior has started a project financed by the EU to improve their first assistance reception, including health screening mechanisms after disembarkation.

(h) Whether children have been charged for war crimes committed while they were recruited or used in hostilities

245. Please refer to (g).